

**ORIGINAL TRANSCRIPT**

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,  
ET AL, JEFFREY M. SIMONEAUX

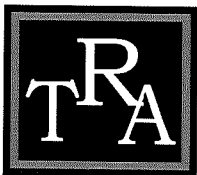
NO. 3:12CV219

VERSUS

E.I. DuPONT DE NEMOURS AND COMPANY



Transcript of the deposition of PERCY BELL, reported in the above entitled and numbered cause by Selina P. Roussel, certified court reporter for the State of Louisiana, reported at the offices of Smith Law Firm, located at 830 North Street, Baton Rouge, Louisiana 70802 commencing at 2:01 p.m., on August 28, 2013.



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ALSO PRESENT:  
JEFFREY SIMONEAUX

I N D E X

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LIST OF EXHIBITS

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## S T I P U L A T I O N

It is stipulated and agreed by and among  
counsel for the parties hereto that the deposition  
of the aforementioned witness is hereby being  
taken under the Louisiana Code of Civil Procedure,  
for all purposes, in accordance with law;

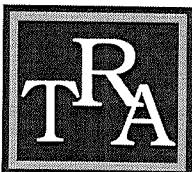
That the formalities of reading and signing  
are specifically saved;

That the formalities of sealing,  
certification, and filing are specifically waived;

That all objections, save those as to the  
form of the question and the responsiveness of the  
answer, are hereby reserved until such time as  
this deposition, or any part thereof, may be used  
or sought to be used in evidence.

SELINA P. ROUSSEL, Certified Court  
Reporter, in and for the State of Louisiana,  
officiated in administering the oath to the  
witness.

\* \* \* \* \*



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1                                   PERCY BELL,  
2   after having been first duly sworn by the  
3   above-mentioned Certified Court Reporter was  
4   examined and testified as follows:

5   EXAMINATION BY MS. BARNEY:

6           Q.   Hi, Mr. Bell.

7           A.   Hello.

8           Q.   It is good to see you.   You have been  
9   deposed once before in a different case that  
10   involved Mr. Simoneaux.

11                           You recall that?

12          A.   Yeah.

13          Q.   And I don't want to repeat too much of  
14   what you have given us in that case, but we should  
15   probably at least go through if you could just say  
16   your name, address, and your current position.

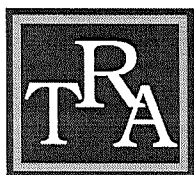
17          A.   My name is Percy Lee Bell.   My position  
18   is day operator at DuPont in Burnside.

19          Q.   Okay.   And what is your -- you gave me  
20   your address?

21          A.   37063 Highway 74, Geismar, Louisiana  
22   70734.

23          Q.   Okay.   And how long have you been the day  
24   operator at DuPont?

25          A.   Since 2007.



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1 Q. How long have you been employed at DuPont  
2 in any position?

3 A. Since 1976. March 15th.

4 Q. Wow. Okay. So prior to being day  
5 operator, what was your title?

6 A. I was in operation, but I was on shift.

7 Q. Okay.

8 A. Worked a rotating shift.

9 Q. So you were working nights sometimes,  
10 daytime sometimes?

11 A. Right.

12 Q. All right. And just so I think you may  
13 have a general understanding, but the suit that  
14 you are here for today pertains to alleged leaks  
15 at the DuPont facility and retaliation which  
16 Mr. Simoneaux claims that he received as a result  
17 of his efforts to have DuPont comply with their  
18 obligations under TSCA?

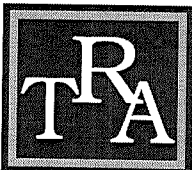
19 A. Okay.

20 Q. Okay. Just so you kind of have a  
21 synopsis.

22 Did you understand that you were  
23 here on a suit about leaks?

24 A. No.

25 Q. Okay. So, in general, you have been in



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1 the operations department of DuPont since 1976?

2 A. Correct. 1976.

3 Q. Are you going to get to retire at any  
4 point?

5 A. I hope to. Yeah. I plan to retire.

6 Q. Is that coming up soon or are you not  
7 sure?

8 A. In the near future. I'm not sure right  
9 now. I'm not sure, but it is coming more and more  
10 on my mind.

11 Q. So you can do that --

12 A. Yeah, it's more and more on my mind. I'm  
13 fully vested and I can leave today if I wish.

14 Q. All right. Who do you report to today?  
15 Like, who is your supervisor?

16 A. Elizabeth Cromwell.

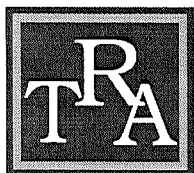
17 Q. All right. And do you know who she  
18 reports to?

19 A. Tom Miller.

20 Q. And Tom Miller is the plant manager right  
21 now?

22 A. Plant manager, uh-huh.

23 Q. Okay. At DuPont, part of the process,  
24 the chemical process that goes on at DuPont is  
25 DuPont processing SO3 into sulfuric acid; is that



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1 right?

2 A. Correct.

3 Q. And S03, as far as you understand it, is  
4 a chemical that is listed under TSCA?

5 A. Yeah.

6 Q. And you are familiar with TSCA a little  
7 bit?

8 A. Yeah. Yeah.

9 Q. Does DuPont give you some training on  
10 TSCA requirements?

11 A. Yeah. Yeah.

12 Q. Okay. About how often would you say you  
13 are given information about TSCA from DuPont?

14 A. I think it is yearly in our training. It  
15 is modules, training modules, TLM, and I think it  
16 is yearly.

17 Q. Okay. And what does the TLM involve?

18 A. Talking about -- it is a learning manager  
19 and it is several different modules, but TSCA talk  
20 about the wheel, miligating (ph) and what not to  
21 let go, how to stop it.

22 Q. Okay.

23 A. What limit -- our limits of what we can  
24 and what we can't do.

25 Q. Okay. Does it talk about having an



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1 obligation to notify people, your supervisors when  
2 you see a problem?

3 A. Yeah.

4 Q. Okay. And does it talk about if you do  
5 notify your supervisors, then you are sort of  
6 relieved of the responsibility of going straight  
7 to the government as long as your boss goes to the  
8 government?

9 A. Yeah.

10 Q. That is part of what they tell you?

11 A. Right.

12 Q. In terms of the limit that you mentioned  
13 in that module on TSCA, do you recall any of the  
14 limits that you were told about?

15 A. No. I can't recall. I mean, it's in the  
16 module, but I can't recall.

17 Q. Did the module cover SO2, as well as SO3  
18 or just SO3 or does it speak to any particular  
19 chemical at all?

20 A. No. I don't think it speaks to one at  
21 all.

22 Q. Okay.

23 A. You know, It just -- think back. I take  
24 so many of those classes.

25 Q. Yeah.



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1 A. No, it don't specifically say SO3.

2 Q. Okay. So it is just sort of generally  
3 talking about --

4 A. TSCA chemicals.

5 Q. -- TSCA and not in connection with any  
6 particular substance?

7 A. Uh-huh.

8 Q. Just one second here.

9 MS. BARNEY:

10 I want to go ahead and mark as  
11 Exhibit 1 the Notice of Deposition.

12 (Whereupon, the document referred to is  
13 marked as Exhibit No. 1 for identification.)

14 MS. BARNEY:

15 And then I'll mark the next  
16 document I'm about to show you as Exhibit 2.

17 (Whereupon, the document referred to is  
18 marked as Exhibit No. 2 for identification.)

19 THE WITNESS:

20 I'm trying to think. It do say the  
21 RQ, our recording limits.

22 BY MS. BARNEY:

23 Q. Okay.

24 A. That's it right here.

25 Q. All right. I'm handing you a document we



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1 have marked as Exhibit 2 to your deposition. It's  
2 also got an Exhibit B notation on it and I'll just  
3 represent that that is Exhibit B to the Complaint  
4 that was filed in this case.

5 A. Uh-huh.

6 Q. Okay. So you mentioned a second ago that  
7 the TSCA training might mention something about  
8 RQ?

9 A. Uh-huh.

10 Q. What does RQ mean to you?

11 A. Recordable quantities.

12 Q. Reportable quantities?

13 A. Uh-huh, recordable.

14 Q. And, as you sit here, do you know what  
15 the reportable quantities for SO2 are?

16 A. No, not exactly.

17 Q. Do you know if there are any reportable  
18 quantities for SO3?

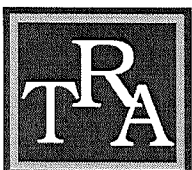
19 A. Yeah. It is. It is. It's a limit.

20 Q. There is a limit for SO3 and SO2?

21 A. Right.

22 Q. Okay.

23 A. They are all toxic chemicals. They are a  
24 list of all toxic chemicals. I'm trying to see if  
25 it is recorded in here.



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1 Q. This document, let's see if it is dated.  
2 Okay. On the second page of the exhibit, you'll  
3 see down at the bottom it says, "Last review,  
4 March 2009."

5 A. Uh-huh.

6 Q. You see that?

7 A. Uh-huh.

8 Q. Okay. If you can answer yes or no, it  
9 will help the court reporter.

10 A. Yes, I see it. Yes.

11 Q. Is this a document that you or one like a  
12 document that you receive on an annual basis from  
13 DuPont; do you know?

14 A. I don't know for sure if this one every  
15 year, but we get so many every year. This may be  
16 one or may not be one. I don't know for sure.

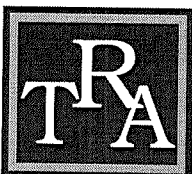
17 Q. Okay.

18 A. Some of the learning managers -- I mean,  
19 the modules are every two years or some every  
20 year.

21 Q. Okay. On the first page of this exhibit,  
22 it does say, "Standardized SHE-mandated training  
23 model"?

24 A. Yes.

25 Q. And SHE stands for safety, health and



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1 environment?

2 A. Right.

3 Q. So this may have been one that you  
4 received back in 2009 or 2010, whenever you did  
5 the module for TSCA in those years?

6 A. Yeah.

7 Q. Okay. Do you have an understanding of  
8 the toxicity category for S03? Is it considered a  
9 toxic substance?

10 A. Yes, it is.

11 Q. Okay.

12 A. Yes.

13 Q. And it is your understanding that -- I  
14 think I had asked you this, but it is subject to  
15 the TSCA regulations?

16 A. Yes.

17 Q. And are you aware that it can -- it's  
18 known to be carcinogenic? In other words, it  
19 could cause cancer.

20 A. Yeah. Yep. Yes, I am familiar with  
21 that.

22 Q. All right. I would like to ask you a  
23 little bit about the processes. In -- and I'm  
24 trying to kind of go quickly so I may jump into  
25 some things abruptly and I apologize for that, but



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1 I don't want to take too long if I can avoid it.

2 Is it true that back around 2009 or  
3 so that DuPont put in some new equipment, a HIP, a  
4 SIP and an absorbing tower?

5 A. Yes. We put in heat exchangers and some  
6 new absorbing towers.

7 Q. Okay. And the HIP and the SIP are heat  
8 exchangers, right?

9 A. Right.

10 Q. And those were purchased or designed by a  
11 company -- do you know the name of that company,  
12 MET?

13 A. MEC.

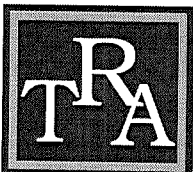
14 Q. Okay. Are you aware that at some point  
15 in the last couple of years DuPont purchased that  
16 company, MEC?

17 A. Yes. Yes.

18 Q. All right. So are the HIP and the SIP  
19 exchangers used in the process that processes SO3  
20 into sulfuric acid?

21 A. Yes. It is used. It is not an absorbant  
22 part. They are gas-to-gas heat exchangers. What  
23 they are doing is keeping the cold gas hot and the  
24 hot gas cold. That is the purpose of it.

25 Q. All right. So I'm going to walk through



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1 a description of what I think is going on and see  
2 if you can tell me if I got it right.

3 A. Okay.

4 Q. Basically, at the plant in this process,  
5 DuPont burns sulfur?

6 A. Correct.

7 Q. And that becomes SO<sub>2</sub> gas?

8 A. Correct.

9 Q. Then the SO<sub>2</sub> gas passes a first pass  
10 through the converter?

11 A. Right.

12 Q. With catalysts in it?

13 A. Right.

14 Q. And that speeds up the chemical reaction  
15 making SO<sub>2</sub> gas more readily become SO<sub>3</sub> gas; is  
16 that right?

17 A. Correct.

18 Q. Okay. And then that gas comes out of the  
19 converter exit for the first pass; is that right?

20 A. Right. Exit the first pass.

21 Q. And then it goes to the superheater?

22 A. Superheater and the converter boiler,  
23 goes through both of them at the same time.

24 Q. Okay. The superheater and the  
25 converter --



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1 A. Boiler.

2 Q. Boiler, okay.

3 A. Exit the first pass.

4 Q. All right. And after it goes through the  
5 superheater and the converter boiler, does it come  
6 back through the superheater?

7 A. And it goes to a second pass.

8 Q. To a second pass of the converter.

9 A. Right.

10 Q. Okay. And through this conversion  
11 process, they are trying to convert SO<sub>2</sub> gas to SO<sub>3</sub>  
12 gas by controlling the temperature range of the  
13 gas?

14 A. The temperature and the air because you  
15 want to add an atom of oxygen to SO<sub>2</sub>.

16 Q. Okay.

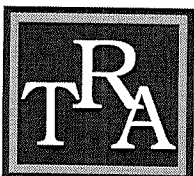
17 A. So you have to have the air.

18 Q. So they're controlling temperature and  
19 oxygen?

20 A. Right.

21 Q. Okay. And after it does a second pass  
22 through the converter, then it goes to either the  
23 SIP or the HIP?

24 A. It goes into the third pass. It goes  
25 through a bed. It goes through a bed of catalyst.



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1 It goes through the third pass. Once it goes  
2 through the end of the third pass, it goes to the  
3 SIP.

4 Q. Okay. And when it comes out of the  
5 SIP --

6 A. Yeah. It goes to the interpass tower.

7 Q. Okay. And that's where the tower makes  
8 the first attempt at absorbing all of the SO3 out  
9 of that stream?

10 A. Correct.

11 Q. And that creates acid?

12 A. Yes. But you have to have the acid to  
13 make acid. What it does, the acid absorbs the SO3  
14 out of the gas and we add water to keep the acid  
15 strength down.

16 Q. Okay. And at that point, the absorber  
17 has sucked up as much SO3 as possible?

18 A. Yes.

19 Q. Leaving mainly SO2 gas?

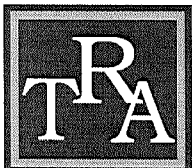
20 A. Mainly.

21 Q. And then that gas goes back to the -- I'm  
22 sorry, not back to. Then it goes to the HIP?

23 A. It goes to -- once it leaves the --

24 Q. Absorbing tower?

25 A. Yeah. Once it leaves the interpass



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1 tower, it goes to the -- yeah, it goes through the  
2 HIP.

3 Q. Okay. And when it comes out of the HIP,  
4 it goes back through the converter for another  
5 pass?

6 A. For another pass, then it goes through  
7 the fourth pass.

8 Q. And then after it exits the fourth pass  
9 through the converter, it goes to the final  
10 absorbing tower?

11 A. Yes.

12 Q. And they call that the fat tower?

13 A. Right.

14 Q. Okay.

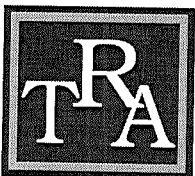
15 A. Now, before it goes there, it goes  
16 through an economizer and then exits -- the SIP is  
17 an economizer, also, the IPT, the interpass tower.  
18 That's what that means.

19 Q. Okay. So when it comes out -- when we  
20 were talking about it earlier, when it comes out  
21 and goes into the interpass tower, at that point,  
22 it is also going through an economizer?

23 A. Right.

24 Q. What is the economizer --

25 A. Okay. That's for cooling, cooling of the



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1 gas.

2 Q. Okay. And this whole process takes place  
3 in the part of the DuPont Burnside plant called  
4 the process area; is that right?

5 A. Uh-huh. Uh-huh.

6 Q. How far would you say that area is from  
7 the control room?

8 A. Oh, I would say about 30 to 40 yards,  
9 50 yards. It is about 50 yards.

10 Q. Okay.

11 A. Because the tower is right outside the  
12 control room. The towers are much closer.

13 Q. Okay. So the things that are 50 yards  
14 away are like the HIP and the SIP?

15 A. Yeah.

16 Q. And the fat tower and the IPT are closer?

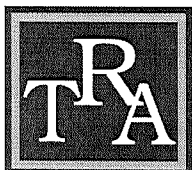
17 A. Oh, yeah. They are no more than 30 feet.

18 Q. Okay. Is there any barriers around the  
19 process area where you have to have a special  
20 permit to walk through or certain badge or be a  
21 certain person to go there, other than just an  
22 operator at DuPont?

23 A. No.

24 Q. Okay.

25 A. No. Unless work is going on and they



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1 have a barricade. If it is a barricade, a red  
2 barricade, you don't enter.

3 Q. Okay.

4 A. Don't have any -- we have a hothouse, but  
5 that is not outside. That is inside.

6 Q. So in that process area where the HIP and  
7 the SIP and the towers are, pretty much any  
8 employee of DuPont can walk through there?

9 A. Well, right now they got it hard  
10 barricaded.

11 Q. Okay. And how long has it been hard  
12 barricaded right now?

13 A. Months.

14 Q. Okay.

15 A. Yeah.

16 Q. Up until that point, pretty much any  
17 DuPont employee could walk through that area?

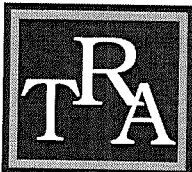
18 A. Oh, yeah.

19 Q. What about somebody who is not a DuPont  
20 employee, like maybe a contractor, could they walk  
21 through there?

22 A. Yeah.

23 Q. Do you know about how many employees are  
24 out at DuPont Burnside on a given day?

25 A. Oh, I would say about 35 to 40.



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1 Q. And about how many contractors do you  
2 think are out there?

3 A. That is --

4 Q. That includes everybody; that is people?

5 A. People, yeah. Right.

6 Q. Okay. In that area we were just talking  
7 about with the SIP and the HIP and the towers and  
8 the converter, there have been some leaks going on  
9 in the equipment in that area; is that right?

10 A. Yeah.

11 Q. And there have been leaks from the SIP  
12 and the HIP and the converter; is that right?

13 A. Correct.

14 Q. Have there also been leaks from the  
15 superheater?

16 A. Yeah. We had one leak on the  
17 superheater.

18 Q. All right. What about ductwork that  
19 feeds those pieces of equipment, are there any  
20 leaks from the ductwork? And I say feed. That  
21 may not be the right word --

22 A. Yeah. I understand. It is coming off  
23 the equipment and we don't -- let me explain this  
24 to you now. The ductworks that lead to the heat  
25 exchanger themselves, we call them plenums. That



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1 is what is leaking. The ductwork coming off the  
2 converter is ductwork and that is what's leaking.

3 Q. Okay. So the things that I might call  
4 ductwork that go to the heat exchangers are really  
5 called plenums?

6 A. Plenums, right.

7 Q. And those are permanent pieces of  
8 equipment --

9 A. Right.

10 Q. -- in the process area?

11 A. Right. It is really a duct, but it's the  
12 way it's shaped. That's why they --

13 Q. Okay. But it has a special name?

14 A. Right.

15 Q. And those are leaking, right?

16 A. Yeah.

17 Q. And then there is ductwork that goes off  
18 of the converter and that ductwork is leaking?

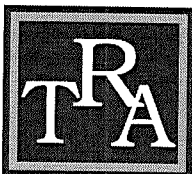
19 A. Yes.

20 Q. And that is referred to as ductwork?

21 A. Right.

22 Q. Do they look different, the ductwork and  
23 the plenums?

24 A. Yeah. Oh, yeah. The plenums are made  
25 like a big funnel and it covers the whole piece of



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1 equipment.

2 Q. Okay.

3 A. You don't have anything covering the  
4 whole converter.

5 Q. Okay. Other than the SIP, the HIP, the  
6 converter, the superheater, the ductwork and the  
7 plenums, can you think of any other equipment that  
8 is leaking in that process area?

9 A. No.

10 Q. Okay. You said there was one leak on the  
11 superheater. Do you know about when that leak  
12 occurred or began?

13 A. That has been leaking so long. I would  
14 say about a year-and-a-half ago, about 18 months  
15 ago or so.

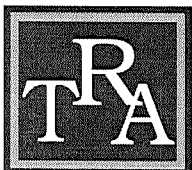
16 Q. And what about the SIP, how many leaks --  
17 well, let me back up. Scratch that.

18 The SIP, does it have one or more  
19 leaks?

20 A. It is more. More.

21 Q. Okay. About how many leaks does it have  
22 that you can estimate?

23 A. I would say at least two. Duct going in,  
24 duct going out. Plenum going in, plenum going  
25 out.



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1 Q. So it is just the plenum. When you said  
2 duct and then you said plenum, it is really just  
3 plenum?

4 A. Yeah. Yeah. The plenums.

5 Q. All right. Can you estimate when you  
6 think the leaks on the SIP began?

7 A. Oh, a couple of years ago.

8 Q. Okay.

9 A. Yeah, about two years.

10 Q. All right. Now, the HIP, does it have  
11 one or more leaks as far as you know?

12 A. It got more than one.

13 Q. Okay. And about how many do you think  
14 the HIP has?

15 A. Okay. It's leaking in an exit like the  
16 SIP on the plenums.

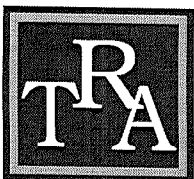
17 Q. Okay. Anywhere else?

18 A. No. They don't leak gas to gas. It is  
19 just leak on the exterior.

20 Q. Okay. So when you say gas to gas, do you  
21 mean like an internal?

22 A. Internal, right. Cold gas getting to the  
23 hot gas. It is not leaking there because our  
24 temperatures are right.

25 Q. And that is on the HIP?



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1 A. Uh-huh, HIP and SIP.

2 Q. Okay. What about the converter; does it  
3 have one or more leaks?

4 A. Okay. It have -- a leak exits the first  
5 pass, a leak exits the third pass and a leak inlet  
6 the fourth pass.

7 Q. Okay. You said leak exit the first pass,  
8 a leak exit the third and a leak exits the fourth  
9 or inlet?

10 A. Inlet.

11 Q. And so that would be three leaks. Is  
12 that the most you think it has?

13 A. Yeah. As it exits the third pass, you  
14 enter the SIP and that is where it is leaking  
15 there and it is also leaking at the SIP.

16 Q. Okay. Going back to the HIP for a  
17 second, I think you said it was leaking more than  
18 one leak and it was leaking inlet and exit on the  
19 plenums..

20 A. Right.

21 Q. How many total leaks on the HIP do you  
22 think?

23 A. I would say two, inlet and exit. They  
24 are both leaking in those spots.

25 Q. Okay. And the ductwork that goes to the



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1 converter, is it leaking? I think you said --

2 A. Yeah.

3 Q. Where is it --

4 A. Ductwork leak exit the first pass, exit  
5 the third pass, inlet the fourth pass. Inlet the  
6 fourth pass is a ductwork, also. It is leaking  
7 there, also.

8 Q. So it is kind of in the similar -- same  
9 locations as the converter but different pieces of  
10 equipment?

11 A. Uh-huh. Well, the exit the first pass is  
12 on the -- that would be the north side of the  
13 converter and the other one is the south side.

14 Q. Okay.

15 A. The other two are on the south side.

16 Q. Okay. All right. Now, when you say they  
17 are leaking, they are leaking gas or liquids?

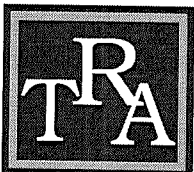
18 A. Gases.

19 Q. And is that both SO3 and SO2?

20 A. Yeah. You see, SO2 is gas, you know,  
21 that we pick up out of the sulfur furnace.

22 Q. Okay.

23 A. It is invisible. And you can't absorb  
24 it. So whatever goes through the interpass that  
25 is not absorbed, it goes back to the fourth pass



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1 to try to get to convert it to SO3 where we can  
2 run it through the final tower for absorption.

3 Q. Okay. And SO3 is visible, right?

4 A. Yeah, you can see it.

5 Q. So if somebody -- if somebody says they  
6 saw a leak, they were seeing an SO3 leak; is that  
7 accurate?

8 A. Yes. It would be more concentrated SO3  
9 than SO2. It all depends on where it is at in the  
10 converter. The more you go through the converter,  
11 the less concentration of SO2 you're going to get  
12 because you are turning most of the gas to SO3.

13 Q. Okay. So when you have a leak at the  
14 fourth pass, it is going to be more SO3  
15 concentrated than the leak at the first pass?

16 A. Uh-huh.

17 Q. Okay.

18 A. Well, that is after absorption, though.  
19 I wouldn't say that because once you go through  
20 your towers, you capture your SO3 into your acid.

21 Q. Okay.

22 A. You can't absorb SO2 so SO2 goes back.

23 Q. Okay.

24 A. So you may have higher concentration of  
25 SO2 --



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1 Q. At the fourth pass?

2 A. -- at the fourth pass.

3 Q. And maybe the SO3 concentration would be  
4 the most after the third pass before it goes in  
5 the tower?

6 A. Right. The third pass. Now, your towers  
7 are not 100 percent. You have slippage. They  
8 will not absorb all the SO3 so you have some SO3  
9 that goes back to the converter.

10 Q. Okay.

11 A. And when it is going -- when you see it  
12 going in the fourth pass and it's leaking, if you  
13 see it, it is SO3.

14 Q. Okay. Is there any device set up out  
15 there by this equipment that tells you what  
16 concentration or what amount of SO3 or SO2 is  
17 leaking?

18 A. No. No. You don't have any Draeger  
19 Tubes or nothing like that around there.

20 Q. Okay.

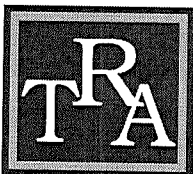
21 A. That is an instrument that you know --

22 Q. What is --

23 A. A Draeger Tube.

24 Q. A Draeger?

25 A. Yeah. Draeger, you can tell, but we



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1 don't have any of those set up. Monitors, we  
2 don't have any monitors set up out there.

3 Q. What is -- spell Draeger for me, if you  
4 know.

5 A. I don't know. It is a monitor. It is  
6 just a monitor. It is just the type of monitor it  
7 is.

8 Q. Have you heard any employees grumbling or  
9 asking why there aren't any monitors?

10 A. No.

11 Q. Okay. So as far as you can tell, there  
12 is no way to determine how much SO3 or SO2 is  
13 escaping the vessels themselves?

14 A. No. You can -- some professionals can  
15 look at it and do a calculation. But I'm not in  
16 that expertise. I don't see how they can tell,  
17 either, but you can look at it -- they can look at  
18 it and calculate it.

19 Q. Do you know if any professionals have  
20 been doing that for DuPont over the last couple of  
21 years?

22 A. No, not on -- well, Kerry Long, yeah.  
23 Kerry Long had calculated some gas leaks on the  
24 plant.

25 Q. So would he do that at -- for some period



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1 of time, like over a day?

2 A. Yeah. What he do is look at it for, you  
3 know, hour or so and do a calculation of how much  
4 gas is being escaped.

5 Q. Okay.

6 A. He was an environmentalist for our plant,  
7 you know.

8 Q. All right. Do you remember what prompted  
9 him to do that? Was there a leak visible at the  
10 moment or it was just a measurement of the process  
11 and what was being lost?

12 A. Well, you can't measure the process of  
13 what is being lost. He just look at the leak for  
14 a little while and calculate it and that's it.

15 Q. Okay. Do you remember anything about his  
16 calculations?

17 A. No. No.

18 Q. Do you know if he recorded them in any  
19 special place or at a place where you could tell  
20 me where they are?

21 A. No. I guess it's on record somewhere  
22 around there.

23 Q. All right. So the way the plant is  
24 designed and supposed to operate, the SO2 and the  
25 SO3 are supposed to stay inside of the vessels



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1 that we have talked about, the superheater, the  
2 SIP, the HIP, the converter and the ductwork?

3 A. Yes.

4 Q. That is the container that they are  
5 supposed to stay in; is that right?

6 A. Right. Right.

7 Q. And so these leaks that you are  
8 describing are coming out of those vessels?

9 A. Right.

10 Q. Okay. Are there some contraptions, for  
11 lack of a better word, that are out there that KBR  
12 has installed that is trying to mitigate the gases  
13 that are leaking out of those vessels?

14 A. Yes, it is. Yes. We have a vacuum  
15 system and what it does, it take the fumes, the  
16 SO3 and SO2 gas, sucks it back into the process.

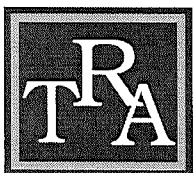
17 Q. Okay. And that is what it is trying to  
18 do, right?

19 A. Yeah. Yeah. That is what it is trying  
20 to do.

21 Q. Is there any mechanism for making sure  
22 that the vacuum system is working 100 percent?

23 A. No. Nothing but your dry tower damper.  
24 That's all. It is a damper.

25 Q. What is a dry tower --



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1           A. The dry tower is the circulating tower.  
2       There is a blower that takes vacuum from. And the  
3       more you close that damper, the more vacuum it  
4       creates, and they have a tap on top of that damper  
5       with hoses onto the unit and they have hoses  
6       broken off, a big hose, vacuuming the leaks. That  
7       is what they are doing with it.

8           Q. Okay. Now, is the dry tower damper part  
9       of the contraption or is it a permanent piece of  
10      equipment?

11          A. Oh, no. It's a permanent piece of  
12      equipment.

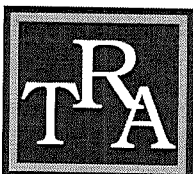
13          Q. And so you can adjust that damper to  
14      increase vacuum?

15          A. Yeah. Now --

16          Q. On what?

17          A. On the negative side of the plant, that  
18      is the spent side. Now, we not adjusting that  
19      damper just for those vacuum leaks. This damper  
20      has to be adjusted to run the process, and in the  
21      meantime, they have another vacuum where they can  
22      tap into it and vacuum up some of the leak.

23          Q. Okay. So that damper wouldn't just be --  
24      like you said, it is not just pertaining to the  
25      contraption hoses. It has other jobs.



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1 A. Oh, yeah. It is for the process.

2 Q. And so could it tell you -- could the  
3 damper tell you whether the contraption with the  
4 hoses was working 100 percent or not?

5 A. No. No, it can't. It just let's you  
6 know that you have vacuum on your system, but when  
7 you get further down the line, it don't tell you  
8 if you have vacuum at the leak.

9 Q. Okay. Can you tell me a little bit  
10 about, if you know, how the contraption is set up.

11 A. It is just PVC piping with flexible  
12 hoses.

13 Q. All right. And so how are those flexible  
14 -- how is that contraption attached to the leaking  
15 areas on the equipment?

16 A. Well, they have it tied, strapped, you  
17 know. Put the hoses to the leak.

18 Q. Okay.

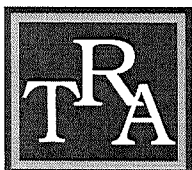
19 A. Running in the trays.

20 Q. In the trays --

21 A. Yeah. They have some trays overhead and  
22 they run a hose across way and drop it down to the  
23 leak.

24 (Art Smith enters.)

25 MS. BARNEY:



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1                   Mr. Bell, this is Art Smith. He is  
2 another attorney.

3                   MR. SMITH:

4                   How are you doing?

5                   THE WITNESS:

6                   Okay. How are you today?

7                   MR. SMITH:

8                   I'm just going to just participate  
9 for a few minutes. I wanted to kind of hear what  
10 you had to say, but I'm not going to be able to  
11 stay the whole time.

12                  THE WITNESS:

13                  All right.

14 BY MS. BARNEY:

15                  Q. So the PVC piping, what color is that?  
16 Is it all the same color?

17                  A. Yeah. It is gray.

18                  Q. Gray, all right.

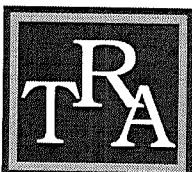
19                         And the flexible hoses, what color  
20 is that?

21                  A. Black hoses.

22                  Q. And are those kind of corrugated?

23                  A. Right.

24                  Q. Are there any sheet metal boxes involved  
25 in the process?



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1           A. Yes. Yes. They have a lot of sheet  
2 metal boxes. We have sheet metal boxes on the  
3 converter and on the HIP itself.

4           Q. Okay. And what -- go ahead. I'm sorry.

5           A. Okay. And those boxes have nozzles that  
6 the insulator was designed and we slip the hose on  
7 the boxes.

8           Q. Okay. Now, are the black corrugated  
9 hoses, are they designed -- are they part of the  
10 design of the plant? Are they --

11          A. No. No, they are not.

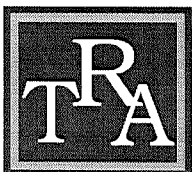
12          Q. They are not the way that this process is  
13 supposed to be -- let me strike that.

14                       They are not a part of the  
15 permanent equipment that is supposed to be being  
16 used for this process, right?

17          A. Right. It is not part of the process.

18          Q. Okay. Do you know who came up with the  
19 PVC piping and the black hose and the metal box  
20 contraption?

21          A. Okay. On our SO3 unit, we have a vacuum.  
22 It was designed that way. On each level we have a  
23 tap that goes into that line. Like you do in  
24 maintenance where you breaking the flange, you use  
25 it on that level. You use a vacuum hose when you



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1 break the flange, do the job, put it back. But  
2 they have gone now to another level where they are  
3 taking that vacuum and running to the converter  
4 for a continuous leaking.

5 Q. Okay. So the SO3 unit, is that in the  
6 same process area we have been talking about?

7 A. Yeah. Yeah. It's a little closer than  
8 the converter to the control room.

9 Q. And it is supposed to have a vacuum going  
10 to it, but now that vacuum is being used on the  
11 converter?

12 A. Yeah.

13 Q. To suck up this continuous leak on the --

14 A. Okay. Now, you don't keep the valve open  
15 on the SO3 unit.

16 Q. Right.

17 A. It is just there for maintenance.

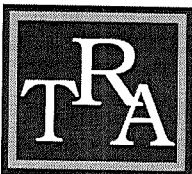
18 Q. So you turn on the vacuum, do some work  
19 so that the gas isn't coming to where you are  
20 trying to work?

21 A. Right.

22 Q. And then you would --

23 A. Close it back up.

24 Q. -- close it back up and turn the vacuum  
25 on?



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1 A. Yep.

2 Q. So since it was only used periodically  
3 and they had a leak on the converter, they just  
4 put the vacuum over on the converter?

5 A. Right. They had the accessibility of  
6 vacuum right there and we ran the hoses to the  
7 converter.

8 Q. Okay. Do you know who approved that  
9 decision to switch that SO3 unit vacuum over to  
10 the converter?

11 A. I guess the plant manager.

12 Q. Okay. That is Tom Miller?

13 A. Well, it was there when Tom got there,  
14 so...

15 Q. And the maintenance supervisor is Gene  
16 Clemmons?

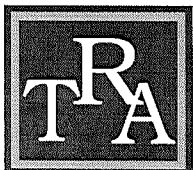
17 A. Gene Clemmons.

18 Q. What do they do when they want to do  
19 maintenance on the SO3 unit and the vacuum is busy  
20 at the converter?

21 A. You have enough to still tap into the SO3  
22 unit and do your maintenance.

23 Q. Okay.

24 A. It is -- we haven't had any major  
25 problems.



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1 Q. Okay. Doing the maintenance on the S03?

2 A. Right.

3 Q. Do you know whose idea it was to put  
4 these sheet metal boxes on the converter and the  
5 HIP and the SIP and attach them to these hoses?

6 A. Maintenance supervisor. That's the plant  
7 manager or the maintenance supervisor. Both of  
8 them come up with that decision.

9 Q. Okay. What about the environmentalist,  
10 was there any environment person who approved of  
11 that contraption?

12 A. Okay. When they first put it there, it  
13 was Kerry Long. I guess he approved of it, too.

14 Q. He is no longer there?

15 A. No. He is no longer with us.

16 Q. Did he leave voluntarily; do you know?

17 A. Yeah.

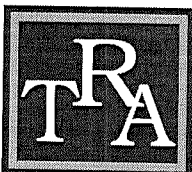
18 Q. Is it your understanding that he had some  
19 concerns about what he was being asked to do or  
20 not do?

21 A. It would puzzle him, you know, but, I  
22 mean, I guess he had concerns.

23 Q. Okay.

24 MS. WEINER:

25 I'm sorry. You say it would puzzle



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1 me?

2 THE WITNESS:

3 It would puzzle him because he  
4 would come ask a thousand questions. I know it  
5 was puzzling him. How this went, how this went,  
6 what day this happened and what day -- he had a  
7 lot of questions.

8 BY MS. BARNEY:

9 Q. Okay. Did he seem worried about it?

10 A. Yeah.

11 Q. Okay. Who's the environmentalist at  
12 DuPont Burnside now?

13 A. I think T.J. Osmond.

14 Q. Okay. And how long has he been at  
15 DuPont?

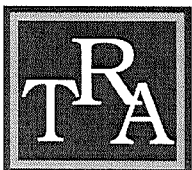
16 A. He been there -- let's see, I got 37. He  
17 got 35 years. 35 years.

18 Q. T.J.?

19 A. Yeah. Not in that capacity, though.

20 Q. Do you know kind of his -- I hate to say  
21 resumé. But the different jobs he's had at DuPont  
22 generally?

23 A. Okay. Operation and safety coordinator.  
24 Now, he is the SHE coordinator. That's -- well,  
25 he is security coordinator, also.



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1 Q. And environmentalist or is that the  
2 SHE --

3 A. That's the SHE, yes.

4 Q. Do you know whether he has a degree, a  
5 college degree?

6 A. Yeah. He graduated from college.

7 Q. Okay. Do you remember in what field?

8 A. He majored in P.E., I think.

9 Q. Do you remember what university?

10 A. Somewhere in Texas. I don't recall the  
11 university.

12 Q. All right.

13 A. Was it Howard Payne. I don't know for  
14 sure. I don't know, but he did graduate because  
15 he played football.

16 MR. SMITH:

17 P.E., is that physical education?

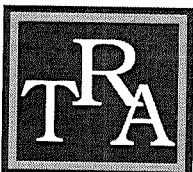
18 THE WITNESS:

19 Yeah, P.E.

20 BY MS. BARNEY:

21 Q. Have you ever heard that he has any  
22 degrees or education in environmental fields?

23 A. I think he got a certificate. When Ann  
24 Lafarrera was there, he went and had -- did some  
25 classes -- a class and he got a certification.



1 Q. Okay.

2 A. When I say Ann Lafarrera, she was the  
3 environmentalist before Kerry Long.

4 Q. All right. And did you have any  
5 understanding about Ann Lafarrera's reason for  
6 leaving?

7 A. No. They said she was going to law  
8 school.

9 Q. Okay.

10 A. That's what she told everybody.

11 Q. All right. Do you know if she had  
12 concerns about the issues at DuPont Burnside  
13 before she left?

14 A. Yes, she had concerns because she used to  
15 ask a lot of questions, also when they are filling  
16 out their reports, you know.

17 Q. Do you find that T.J. Osmond asked a lot  
18 of questions of y'all about the process and what  
19 is going on?

20 A. No.

21 Q. Has he ever involved you or any other  
22 operators in preparing the reports he had to  
23 prepare?

24 A. No.

25 Q. Is it your impression or understanding



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1 that Kerry Long and Ann Lafarrera had more  
2 environmental education and experience than T.J.  
3 Osmond?

4 A. Oh, yes. Yes.

5 Q. Do you know what Kerry Long generally had  
6 in terms of environmental education or experience?

7 A. He graduated with an environmental degree  
8 from LSU.

9 Q. Okay. And what about Ann Lafarrera; do  
10 you know?

11 A. I don't know where she graduated from,  
12 LSU or what she graduated, but I was under the  
13 impression that she had environmental --

14 Q. Education?

15 A. -- degree, uh-huh.

16 Q. Do you know who decided to put T.J.  
17 Osmond in the job of environmentalist at Burnside?

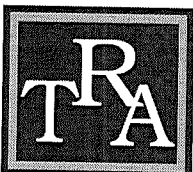
18 A. I guess corporate. I mean, the  
19 management.

20 Q. Okay.

21 A. I wouldn't say corporate. I would say  
22 DuPont Burnside management.

23 Q. So that type of decision can be made at  
24 the Burnside site?

25 A. Uh-huh.



1 Q. So Tom Miller would probably have to be  
2 involved in that decision?

3 A. Right.

4 Q. Okay.

5 A. Now, he haven't been in there long. He  
6 just got there.

7 Q. T.J.?

8 A. Yeah.

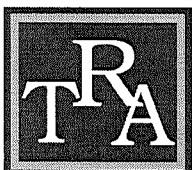
9 Q. How long has he been in that position?

10 A. I would say about eight to ten months.  
11 Less than a year.

12 Q. Okay. Is there anything that you can  
13 think of that's different about the way he handles  
14 that job than Kerry Long or Ann did, other than  
15 maybe the reports that you mentioned and the  
16 questions?

17 A. That's about it. Yeah. Yeah. I mean,  
18 they are not there with us throughout the whole  
19 process, you know.

20 Q. Okay. Now, the leaks we were talking  
21 about in the vessels themselves, the superheater,  
22 the SIP, the HIP, the converter, the ductwork and  
23 the plenums, those leaks have been there every day  
24 for a couple of years, except with the  
25 superheater, I think you said a year to 18 months.



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1 A. Yeah.

2 Q. Is that right?

3 A. Yeah.

4 Q. So in terms of the gas getting out of the  
5 container it is supposed to be in, that has been  
6 going on for at least 18 months as to all of those  
7 leaks?

8 A. Yeah.

9 Q. Okay. And we just -- well, let's now  
10 talk about the escape from the contraption, if  
11 there is any.

12 A. Uh-huh.

13 Q. Since the contraption -- and when I say  
14 contraption, I'm making a shortcut for the sheet  
15 metal boxes, the PVC and the hoses.

16 A. Yeah.

17 Q. Since the contraptions have been in use,  
18 there have been visible gas leaks at DuPont; is  
19 that right?

20 A. Yes.

21 Q. And that is during the last 18 months to  
22 two years?

23 A. Yes.

24 Q. Have you, personally, seen the visible  
25 leaks?



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1 A. Yes.

2 Q. Okay. And when's the last time you saw a  
3 visible leak?

4 A. Last Friday.

5 Q. And when do you recall going back, say,  
6 two years ago or 18 months, do you recall seeing a  
7 visible leak? Maybe that is a bad question.

8 Over the last two years, how often  
9 would you say you have seen a visible leak at the  
10 site?

11 A. Quite a few times.

12 Q. Okay.

13 A. And when I do, we call maintenance. Like  
14 I say, like last Friday, I came to work. See, I  
15 go to work at 5:00 in the morning and it was  
16 leaking. And I called Gene and he got his guys to  
17 go and work on the leak, worked on the hoses.

18 Q. Okay. Is it easier to see the visible  
19 leaks -- are they more visible at night when it is  
20 dark than --

21 A. Uh-huh. It is.

22 Q. So you had to call Gene to go out and --

23 A. I called him because nobody was at work,  
24 just two operators on the board, the loader, and  
25 when I came in at 5:00, I looked in the back and



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1       seen the leak and I called Gene.

2           Q.   Okay.

3           A.   And he was on his way to work, and he  
4       said, well, we'll handle it when he get there.  
5       When he got there, he got his guys to go up and  
6       work with the hoses.  You are not really fixing  
7       the leak.

8           Q.   Right.

9           A.   It is just sucking up the fumes, the  
10       vapors.

11          Q.   And the hoses are pretty much known to  
12       fail, right?

13          A.   Yeah.

14          Q.   They are not designed to do what they are  
15       being asked to do, right?

16          A.   Right.

17          Q.   So --

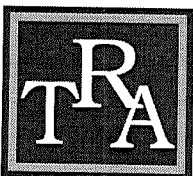
18          A.   But I wouldn't say they are not designed  
19       to do it.  It is not designed for that length of  
20       time.  But there are hoses for, you know, our  
21       maintenance on our SO3 unit.

22          Q.   Okay.

23          A.   And it is designed to suck up vapors.

24          Q.   Okay.

25          A.   But for that length of time.



1 Q. They are not supposed to be a permanent  
2 structure?

3 A. No, they are not.

4 Q. What happens to the hoses when they are  
5 used for a long period of time?

6 A. They melt.

7 Q. Okay. And that is from the acid?

8 A. And the air, the water, like rain, you  
9 vacuum, it sucks the water with the air -- I mean,  
10 the gas. It melt the hoses, collapse them.

11 Q. Have fires started around them --

12 A. No.

13 Q. -- that you know of?

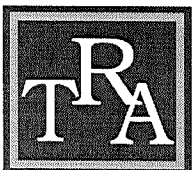
14 A. No. Never had no fire.

15 Q. So DuPont doesn't have anybody sitting  
16 there with these contraptions with a respirator on  
17 to alert anybody when the contraptions start  
18 visibly leaking?

19 A. No.

20 Q. Did you or anybody at DuPont have any way  
21 of knowing how long the gas that you saw last  
22 Friday had been coming out of the equipment?

23 A. No. Because I don't know. When I came  
24 in, I seen it. And, you know, it may have been  
25 leaking longer than -- might have been leaking all



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1 night. I don't know.

2 Q. Okay. There are cameras at DuPont --

3 A. I was fixing to say, if it show up on the  
4 camera, the operator will probably see it. If  
5 they are making a round, they'll probably see it,  
6 you know, but there is no indication or no alarm  
7 or, like I said, no monitor to give you an alarm  
8 or nothing like that. It is only visual.

9 Q. Okay. On this last visible leak that you  
10 saw, did -- after you reported it to Gene  
11 Clemmons, did anybody have you do a first report  
12 or any kind of written report?

13 A. I didn't look back to see if they did a  
14 first report. They may have did one.

15 Q. But they didn't ask you to do one?

16 A. No.

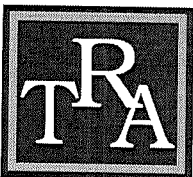
17 Q. Do you know who the operators were that  
18 night before 5:00 a.m.?

19 A. We can look back and see who it was. I  
20 think it was Rene and Randall if I'm not mistaken.  
21 I think it might have been C shift.

22 Q. Okay.

23 A. We can look back and see that.

24 Q. All right. Do you find that operators at  
25 DuPont are hesitant to report leaks when they see



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1       them?

2           A.   Some of them are.   Some of them not.

3       Some of them really are.

4           Q.   And why are they hesitant?

5           A.   I don't know.

6           Q.   Do you think --

7           A.   I guess they just look the other way.

8           Q.   Okay.   Do you think they are worried that  
9       maybe their supervisors won't look too kindly on  
10      them making noise about the leaks?

11          A.   Could be.   That could be very possible.

12          Q.   Do you know if there's still a red  
13      logbook that the operators keep?

14          A.   Oh, yeah.   Yeah.

15          Q.   Okay.   And that's still something that is  
16      kept on a regular basis?

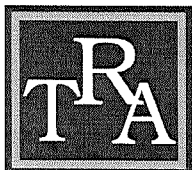
17          A.   Yep.   It is kept on a regular basis every  
18      shift.

19          Q.   Do you find that the visible leaks are  
20      being written in the red logbook or is that not  
21      your job to check?

22          A.   It is not my job to check.

23          Q.   Okay.

24          A.   You know, if I walk around and I see one,  
25      I report it.   You know, that's all.



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1 Q. Okay. Do you know whether or not when  
2 you make the reports of the leaks that the  
3 management at DuPont is reporting those to the  
4 authorities?

5 A. I don't know if they are or not.

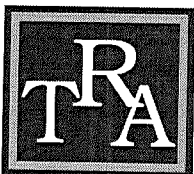
6 Q. Okay. Have they ever -- after you have  
7 made a leak, have they ever come back -- I mean,  
8 I'm sorry, made a report about a leak, have they  
9 ever come back to you and advised you of their  
10 decision on whether to report that to the  
11 authorities?

12 A. No.

13 Q. So I guess if you turn to the last page  
14 of Exhibit 2 under summary, the third little  
15 bullet down, it says, "You will be notified of the  
16 reporting decision made by the corporate TSCA 80  
17 review team. If it is decided that the  
18 information is not reportable, you will be advised  
19 that the law guarantees you the right to report  
20 the information yourself directly to EPA without  
21 risk of discharge or discrimination concerning  
22 terms, conditions and privileges of employment."

23 So nobody has ever come back to you  
24 after you have reported a leak and told you that?

25 A. Uh-uh. Uh-uh. No.



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1 Q. Do you recall management discouraging  
2 getting outsiders involved, like getting third  
3 parties involved in the leak situation?

4 A. If they would get third parties, mutual  
5 aid or something like that?

6 Q. I'm sorry?

7 A. Like mutual aid or somebody?

8 Q. Well, more like, you know, calling the  
9 fire station or calling a hotline or calling EPA  
10 or calling DEQ. Was that sort of -- do you recall  
11 any management folks at DuPont sort of  
12 discouraging that?

13 A. No. No, I haven't.

14 Q. Do you recall a meeting where Tom Miller  
15 said something about "We are going through all of  
16 this because of one" --

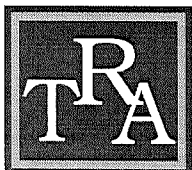
17 A. Oh, yeah.

18 Q. I'll say it for the record, "asshole,"  
19 and he said something like, "I'll have my job, but  
20 I'm worried about y'all."

21 A. Yeah. Yeah. He did that in a morning  
22 meeting.

23 Q. And was it your impression that he was  
24 referring to Jeff Simoneaux?

25 A. Jeff or Rapp or one of them that is not



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1 no longer on the plant. He called them  
2 disgrumbled [sic] employees.

3 Q. Okay. And he said something like, "We  
4 can just shut down right now; I'll have a job"?

5 A. Yeah. Shut the plant down.

6 Q. And so is that threat -- I guess other  
7 people besides you were at this meeting?

8 A. Oh, yeah. Yeah.

9 Q. And so other employees --

10 A. They all heard it. He was -- he was  
11 troubled meeting -- in the meeting because we did  
12 have a leak and we had to shut the plant back. I  
13 mean, you know, you can't just keep it leaking.

14 Q. Yeah.

15 A. So we reduced the burden.

16 Q. Okay. And how long did the plant stay  
17 cut back for that time?

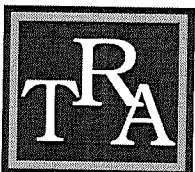
18 A. Until they fixed the hoses and get the  
19 hoses back in line and then bring it back up.

20 Q. They fixed the contraption and kept  
21 going?

22 A. Uh-huh.

23 Q. Okay. So what would it take to fix the  
24 leaks from the vessels themselves?

25 A. Shutdown.



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1 Q. Okay.

2 A. We plan on doing it in October. That is  
3 what it is going to take. You cannot fix these  
4 leaks while we are running.

5 Q. All right.

6 A. You got to shut the plant down.

7 Q. Okay. And they have been saying for over  
8 a year now that they were going to shut down the  
9 plant and fix them, right?

10 A. Yeah. We take hot shutdowns and, you  
11 know, I say hot shutdowns. You don't let the  
12 plant get cold. And you patch on them and you  
13 start back up. Never really -- like I said,  
14 patch on them. We never really fix them.

15 Q. Okay.

16 A. It is going to take a shutdown to fix  
17 them.

18 Q. Okay. And --

19 A. A cold shutdown.

20 Q. Yeah. Everything has to be cold and  
21 catalysts cleaned out of the equipment --

22 A. Before you can get to metal, a weld,  
23 metal without no problem.

24 Q. Okay. So why hasn't that been done yet;  
25 do you know?



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1 A. Oh, I don't know.

2 Q. Has anybody mentioned how much it would  
3 cost the plant to do that?

4 A. No. They haven't mentioned the cost, but  
5 I guess that is what it all boils down to, you  
6 know. The supply chain wanting to keep the  
7 customers -- if we are not running, we can't  
8 service the customers like we desire. We would  
9 have to make it plain and we need to fix them.

10 Q. Okay. Has there been or have you heard  
11 any concern that this equipment may not be  
12 fixable, that they might have to get new  
13 equipment?

14 A. Well, I haven't heard, but I was in  
15 talking with some engineers that we are designing  
16 new heat exchangers. We are going to get some new  
17 heat exchangers.

18 Q. And who were the engineers; do you know?

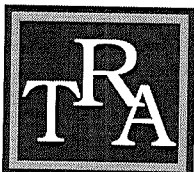
19 A. What this guy's name? George Brown.  
20 That is who it is.

21 Q. Is he a DuPont person?

22 A. Yeah. Yeah. He is a senior engineer  
23 with DuPont.

24 Q. And where is he based?

25 A. He is based out of Wurtland, I think.



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1 Q. And about how long was this discussion,  
2 how long ago?

3 A. About four, five months ago.

4 Q. By the time the exchangers started  
5 leaking, DuPont had already bought the company  
6 that designed them, right?

7 A. I think so. Yeah. I think right after  
8 we put them in service, DuPont bought MEC.

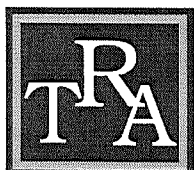
9 Q. And so DuPont can't go back on the  
10 designer because they own it, right?

11 A. Right.

12 Q. When they were putting in this equipment  
13 in 2009, didn't Louis Chu (ph) warn them that this  
14 wasn't the best equipment to use?

15 A. I don't know if Louis was in it in 2009.  
16 I think it was another group of engineers, but  
17 when Louis came down in, I think it was 2010, when  
18 he looked at what we had and what we were dealing  
19 with there, he recommended that we look at some  
20 heat exchangers and that is what they have been  
21 doing. I think we are going to -- the meeting I  
22 was in, we would get a whole different design of  
23 heat exchangers. They are not even going to be  
24 like the ones like we have now.

25 Q. Okay. Do you know whether or not when a



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1 chemical plant or I guess DuPont's plant is  
2 reconfigured with new equipment, whether or not  
3 somebody from DEQ or EPA has to approve the plans  
4 for that?

5 A. Yeah. I don't know if they have to do  
6 with the equipment, but I think they have to do  
7 with if you have any emissions or anything, they  
8 would be in on it.

9 Q. Okay.

10 A. But I wouldn't think they would have  
11 anything to do with the equipment.

12 Q. Okay.

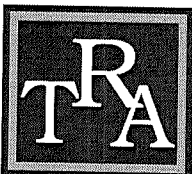
13 A. I don't know for sure, but I'm just  
14 guessing.

15 Q. Okay. And I think you said you don't  
16 know whether or not EPA or DEQ has been advised of  
17 the gas leaks coming from the HIP, the SIP, the  
18 superheater, the converter, the ductwork and the  
19 plenums, right?

20 A. No. No.

21 Q. Nobody at DuPont has told you that they  
22 have notified environmental authorities about  
23 that, have they?

24 A. Not nothing but what Tom said that  
25 morning in the meeting.



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1 Q. What did he say?

2 A. He could shut the plant down and send  
3 everybody home.

4 Q. If they wanted to go talk to people?

5 A. Yeah. So...

6 Q. Do you recall the fire department coming  
7 out to the plant because a passerby on the river  
8 --

9 A. I heard that --

10 Q. -- saw --

11 A. They did that in the evening.

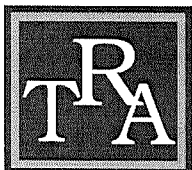
12 Q. And just so I can get the question on the  
13 record because I know you know what I'm talking  
14 about. A person driving down the road near the  
15 plant saw gas or saw a cloud of something crossing  
16 the road and called the fire department and the  
17 fire department came out to the plant. Is that  
18 your understanding?

19 A. Yeah.

20 Q. But you weren't there?

21 A. No. I wasn't there. I heard about it.

22 Q. As far as you know, did anybody at DuPont  
23 take the firemen to the HIP, the SIP, the  
24 converter and the superheater to show them what  
25 was going on?



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1 A. Not to my knowledge.

2 Q. Okay. Has DEQ in the last year or two  
3 done an audit, an environmental audit at DuPont?

4 A. Yeah.

5 Q. And what do you know about that?

6 A. They came one night, stayed an hour or so  
7 and asked questions. I wasn't on the plant, but I  
8 just heard that they sat in and asked a lot of  
9 questions. That was it.

10 Q. Okay. Do you know what part of the plant  
11 they were on? Did they go in the control room?

12 A. Control room.

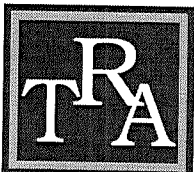
13 Q. Okay. And is it your understanding or do  
14 you have an understanding as to whether anyone  
15 took them out to the process area to look at the  
16 HIP and the SIP and the converter and the  
17 ductwork?

18 A. I don't know. I don't know.

19 Q. Okay. Do you have any reason to believe  
20 that they did take the environmental people out  
21 there?

22 A. No. I don't think they would.

23 Q. Okay. Do you know who the environmental  
24 folks who were doing the audit met with at DuPont  
25 that night?



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1           A. I don't know what shift it was, but I  
2 think they came back the next day or the next two  
3 days and they had a talk with Dan Mullholland and  
4 Kerry Long and the plant manager. They did have a  
5 discussion.

6           Q. Okay. Do you remember about how long ago  
7 that was?

8           A. Oh, let's see. I guess about eight to  
9 ten months ago, before T.J. got that down because  
10 Kerry Long was still there.

11          Q. Okay. So Kerry Long left not too long  
12 after that, I guess.

13          A. Yeah. About right. He didn't hang  
14 around long. He got a better job he say.

15          Q. You were talking about how Gene Clemmons  
16 calls his guys to go work on the hoses and the  
17 metal boxes when somebody sees a leak.

18          A. Yes. That is the maintenance crew.

19          Q. Right.

20                        So KBR is an outside contractor?

21          A. Right. KBR is not there on Fridays. On  
22 Friday, when he came in, when I called him, he  
23 wasn't far from the plant. About five minutes or  
24 so, he was in the plant. He told me, he said he  
25 was going to call his guys to work on the leak.



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1 Q. So that day, "his guys" meant DuPont  
2 maintenance people?

3 A. Right. DuPont maintenance people.

4 Q. Not the KBR?

5 A. KBR don't work on Fridays. They off.  
6 They come in as a call-in. We have to call them  
7 out. It is not a normal day for work.

8 Q. Okay. Who would -- who, do you know,  
9 worked on the leak last Friday for Gene?

10 A. Scott Miller and Daniel Boudreaux.

11 Q. Do you know whether they have any  
12 environmental training?

13 A. No more than this.

14 Q. Than Exhibit 2?

15 A. Yeah.

16 Q. So -- all right. If KBR is available,  
17 does DuPont tend to have KBR come fix the  
18 contraptions?

19 A. Right.

20 Q. If KBR is not there, DuPont sometimes  
21 uses its own employees?

22 A. Right.

23 Q. About how many times can you think of  
24 that DuPont's own employees were fixing the  
25 contraptions?



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1           A. They work -- I don't recall but that one  
2 time. They may have did it when I wasn't there.  
3 But...

4           Q. Okay.

5           A. I made the call on that one. I called  
6 Gene. He got his guys to fix it. His maintenance  
7 crew.

8           Q. Okay. So KBR only goes out to look at  
9 these contraptions if they are called to do it?

10          A. Right.

11          Q. And they are called to do it if, what, if  
12 somebody sees a visible gas leak?

13          A. Visible leak. Now, during the week, KBR  
14 is on-site every day. They are contractors,  
15 resident contractors and they are all working in  
16 that area all the time.

17          Q. Okay.

18          A. So they see a leak, fix the hose, adjust  
19 the hoses or do whatever needs to be done with the  
20 hoses.

21          Q. So they are sort of there also to see if  
22 the contraptions need repair --

23          A. Uh-huh.

24          Q. -- on those days?

25          A. Uh-huh.



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1 Q. Okay.

2 A. Monday through Thursday.

3 Q. When anybody goes up to work on these  
4 contraptions or check on them, do they wear any  
5 PPE?

6 A. Respirators.

7 Q. At what point do they put the respirator  
8 on?

9 A. Climbing up the ladder.

10 Q. Okay. And do you have to climb up a  
11 ladder to get to any of the leaking vessels?

12 A. Well, what it is, I say ladder, but they  
13 made a stairway. It is a stairway up there.

14 Q. Okay.

15 A. Made it more safer for them to get up  
16 there.

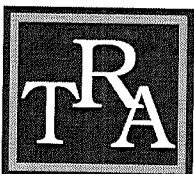
17 Q. So to get -- you have to climb the  
18 stairway, or before that the ladder, to get to any  
19 of the leaking vessels --

20 A. Yeah.

21 Q. -- or equipment?

22 A. Not on the superheater. It is down low.  
23 But on the HIP and the SIP, it is all up high.  
24 The converter, they are all up high.

25 Q. Okay. So if they were going to go check



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1 on the contraption at the superheater, when would  
2 they put on their respirator, how far away --

3 A. The superheater leak is not as bad as the  
4 HIP and the SIP.

5 Q. Okay.

6 A. That leak is not as bad. They even had a  
7 hose on that leak. The gas is not escaping that  
8 bad over there so they didn't have a corrupt hose.

9 Q. All right. And they have scaffolding I  
10 guess around the --

11 A. Converter.

12 Q. -- converter so they can work up there on  
13 the scaffolding?

14 A. Uh-huh.

15 Q. How long has the scaffolding been there?

16 A. The scaffolding been back there for  
17 18 months.

18 Q. Okay.

19 A. At minimum.

20 Q. It is for that purpose, to be able to  
21 work on the leaks?

22 A. Right. Right.

23 Q. Is there any warning at all before there  
24 is a visible gas leak from this equipment?

25 A. No. No warning.



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1 Q. So somebody could be in the vicinity  
2 nearby, working and all of a sudden, there is a  
3 gas leak?

4 A. Uh-huh. Right.

5 Q. Has there been any sort of training about  
6 that problem?

7 A. No. No.

8 Q. So it sounds like everybody knows that  
9 the contraptions are going to give out  
10 periodically and that the gas is going to leak,  
11 right?

12 A. Yeah. They check them every day.

13 Q. Okay.

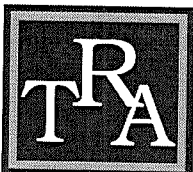
14 A. They know.

15 Q. And they only make a repair after  
16 somebody sees that there is some visible gas  
17 coming out? I mean, that is how you know the  
18 contraption needs to be repaired?

19 A. Right.

20 Q. But since there is nobody watching the  
21 contraptions all the time, visible gas could be  
22 coming out and people not seeing them?

23 A. Right. Someone is always in the area  
24 during working hours. At night you don't know  
25 until -- you might see it, might not.



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1 Q. Is it worse when it rains?

2 A. Yes, it is. What happens, it is worse on  
3 the hoses because you are sucking in the moisture  
4 also with the vapors.

5 Q. Does the corrugated hose keep moisture  
6 out?

7 A. No. It vacuum -- it is a vacuum. It is  
8 sucking moisture in.

9 Q. Okay.

10 A. With that vapor and that moisture, you  
11 make weak acid.

12 Q. And then that is a liquid, right?

13 A. Uh-huh.

14 Q. And that sort of collects at the bottom  
15 of the hoses?

16 A. Right.

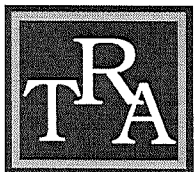
17 Q. And that corrodes the hoses?

18 A. Corrodes the hoses. Just rots the hoses  
19 out. And it also blocks your vacuum.

20 Q. So when the acid collects at the bottom  
21 of the hose, it starts corroding the hoses and it  
22 also keeps the vacuum from sucking up as much gas  
23 as they would like to suck up?

24 A. Right. And you can see it.

25 Q. I was going to show you what's marked as



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1 Exhibit A to the Complaint, but we'll mark it as  
2 Exhibit 3 for your deposition.

3 (Whereupon, the document referred to is  
4 marked as Exhibit No. 3 for identification.)

5 BY MS. BARNEY:

6 Q. And this is just an MSDS for sulfur  
7 trioxide and that is SO<sub>3</sub>, right?

8 A. Uh-huh.

9 Q. And it says -- on the fourth page up at  
10 the top, it says, "reacts violently with water"?

11 A. Right.

12 Q. And under stability and reactivity, it  
13 says, "conditions of instability, moist air,  
14 water." And under "incompatibility with various  
15 substances" in that same Section 10, it says, "may  
16 react violently with water to emit toxic gases,"  
17 right?

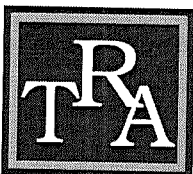
18 A. Yeah.

19 Q. So that is not a surprise?

20 A. No.

21 Q. Okay. What happens to the acid, the  
22 liquid acids that collect at the bottoms of the  
23 hoses?

24 A. Okay. We have drums that it collect it  
25 in. The hoses going down to the drum from a hose.



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1 We have some drums with hoses running down to the  
2 -- a hose from a hose going to a drum collecting  
3 the weak acid.

4 Q. Let me show you, I guess three pictures  
5 for now that we'll mark as Exhibit 4 and ask you  
6 to take a look at these.

7 (Whereupon, the document referred to is  
8 marked as Exhibit No. 4 for identification.)

9 BY MS. BARNEY:

10 Q. These are photographs.

11 A. Uh-huh. That is what I'm talking about.  
12 You see that hose running from the hose,  
13 collecting in the drum.

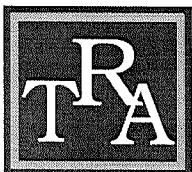
14 Q. So the -- this is a three-page exhibit  
15 and the first page shows -- that's some -- a  
16 plenum?

17 A. That is a funnel. That's a funnel under  
18 the leak look like. See, they got that hose tied  
19 to the funnel.

20 Q. Okay.

21 A. And the leak must be up here and it drips  
22 down in here and goes down to the drum. That  
23 looks like a funnel. It is.

24 Q. Maybe what you could do, I'll put this on  
25 the bottom of there, what you can do is draw some



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1 arrows maybe and just kind of label what the --

2 MS. WEINER:

3 Jane, apparently, he is looking at  
4 different ones.

5 MS. BARNEY:

6 Let me see.

7 BY MS. BARNEY:

8 Q. So the first page of this exhibit, you  
9 can -- this glare is kind of bad, but there is  
10 sort of a rusty-colored -- I don't know if it is  
11 rust or not, but this rusty-colored thing kind of  
12 square object in the middle. And what is that?  
13 You can write -- I have drawn a line to the brown  
14 thing in the middle.

15 A. How do you spell funnel, F-U-N-N-L-E?

16 Q. E-L.

17 A. And that is the hose.

18 Q. Okay. Yeah. You can label the hose.

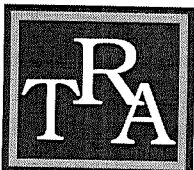
19 Okay. And what is the shiny metal  
20 thing that is going across the -- towards the  
21 bottom of the picture?

22 A. That look like a duct. That's a duct.

23 Q. Okay. You can label that.

24 A. (Complies with request.)

25 Q. And so that would be on the converter or



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1 is that a plenum on the HIP or the SIP or is it --

2 A. That's a duct --

3 Q. Okay.

4 A. -- coming from the converter. The  
5 plenums is not round like that. The plenums come  
6 out like a big funnel.

7 Q. Okay. So Page 2 of that exhibit shows  
8 the hose -- is that the hose coming down from the  
9 funnel on Page 1 coming down into the drum or can  
10 you tell?

11 A. I can't tell if this is the same one, but  
12 that is where that hose leads to that drum because  
13 you don't want to get on the ground. You want to  
14 capture it in the drum.

15 Q. Okay. So Page 2 just shows how a hose  
16 like the one on Page 1 would come into a drum?

17 A. Right.

18 Q. Okay. And then Page 3 is just another  
19 picture of the drum?

20 A. Uh-huh. Even with a label.

21 Q. And what label is that on Page 3?

22 A. That is the label that you know that is  
23 acid.

24 Q. Okay. That is that yellow little square  
25 label?



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1 A. Uh-huh. When this drum gets about half  
2 full, you put it in 90-day storage. It goes to  
3 90-day storage. We neutralize it. They call  
4 these pilot stations.

5 Q. Is that a new thing?

6 A. No. They had them when Kerry Long was  
7 there. Pilot storage station they call it.

8 Q. Before they had the drums there, did the  
9 acid just fall on the ground?

10 A. Yeah.

11 Q. And they put the drums about -- in the  
12 last year, would you say?

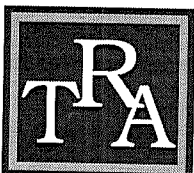
13 A. Oh, yeah. Yeah. It had been there a  
14 little bit more than a year.

15 Q. Okay.

16 A. What was the happening, the hoses would  
17 fill up and they had nowhere to -- they would put  
18 a drum there and empty the hose. You know, that's  
19 what they would do. They wouldn't just let it  
20 fall on the ground. What they will do is once the  
21 hose is plugged, they get a drum and they empty  
22 the hose in the drum.

23 Q. I see.

24 A. But they got a little more I guess better  
25 technique I guess to keep it in there, to keep the



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1 hose from going into the drum where it wouldn't --  
2 you know, the hose wouldn't get full as quick.

3 Q. Okay. So what happens when the drum is  
4 full, then it sort of backs up into the hose until  
5 -- oh, you said when it gets half full.

6 A. Yeah. When it gets half full, so we  
7 change them out. We got to neutralize them  
8 sometimes and put another drum in there.

9 Q. Whose job is it to see if the drums are  
10 half full?

11 A. KBR.

12 Q. Okay. Do you know whether that process  
13 with the drums has been approved by any  
14 environmental authorities?

15 A. I thought Kerry Long approved that.

16 Q. Okay.

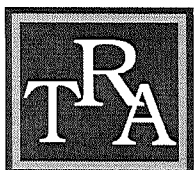
17 A. Because, I mean, you call them pilot  
18 stations, pilot storage stations.

19 Q. Okay. Do you know whether or not any  
20 outside environmental people have approved of that  
21 setup?

22 A. No.

23 Q. Okay.

24 A. Now, I think pilot stations have been  
25 approved, you know.



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1 Q. Generally?

2 A. Yeah. Generally, for temporary storage,  
3 you know.

4 Q. Okay. You want to take a break? We have  
5 been going for a little while.

6 A. No. You can keep on going.

7 Q. I've seen in some of the documents that  
8 have been produced so far in this case references  
9 to gas leaks going off-site or not going off-site.  
10 What is that about; do you know?

11 A. Okay. The extent of the leak, the leak  
12 is, you know, bad, and it is traveling a distance,  
13 it will go off-site.

14 Q. Okay. Now, when you say a leak is bad,  
15 that means there is a big gas mist cloud?

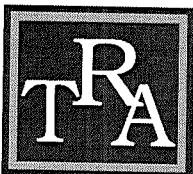
16 A. That means that it's -- the velocity of  
17 the gas is coming out more than normal. I mean,  
18 it is not normal, but it is normal for nothing to  
19 come out, but it comes out.

20 Q. Over the last couple of years?

21 A. Yes.

22 Q. But in the last couple of years,  
23 sometimes it comes out a whole lot in that  
24 velocity you are talking about?

25 A. Uh-huh.



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1 Q. Is there any way to know, just like I  
2 think I asked you earlier, when there is going to  
3 be one of these big leaks where it comes out a  
4 lot?

5 A. No. Visible only. I mean, your vision.  
6 If you see it, that's it.

7 Q. Is anybody sort of assigned at DuPont to  
8 take pictures of these gas leaks since visibility  
9 is the only way that anybody is knowing what is  
10 happening?

11 A. No.

12 Q. Have there been any instructions about  
13 pictures?

14 A. Yeah. You are not supposed to take  
15 pictures on-site. I seen that last week, week  
16 before last. It came out with a policy.

17 Q. Okay.

18 A. It had to be approved by management,  
19 pictures.

20 Q. All right. Do you see management running  
21 around taking pictures of the gas cloud so they  
22 can document how big it was?

23 A. No.

24 Q. No?

25 A. No.



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1 Q. They don't have a photo album --

2 A. Oh, no, they don't.

3 Q. -- of the gas clouds?

4 A. No, they don't.

5 Q. Okay. Has it caused you some concern  
6 that there is an elementary school nearby?

7 A. Yes. Yes.

8 Q. And that --

9 A. You can see it on the camera, the school.

10 Q. You can see --

11 A. The camera, you can see the school on the  
12 camera.

13 Q. On which camera?

14 A. In the control room. A stack camera.

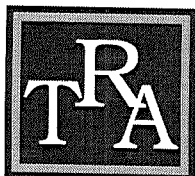
15 Q. And which direction is the school?

16 A. The school is east, east of us.

17 Q. Okay. So there is really no way under  
18 the current or under the setup that has been in  
19 place for the last couple of years for y'all to --  
20 let me strike that.

21 On any day for the last couple of  
22 years, one of these big gas clouds of the velocity  
23 you were talking about could form and drift east  
24 towards the school, right?

25 A. It could.



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1 Q. And do you know whether or not that has  
2 happened?

3 A. No, I don't know.

4 Q. Okay.

5 A. I haven't heard that it happened, you  
6 know.

7 Q. But there is really no way to be sure  
8 that it hasn't happened, right?

9 A. Right.

10 Q. Under the current setup?

11 A. Right.

12 Q. Has that concern been part of the reason  
13 that you speak up when you see a leak?

14 A. Yeah. The school and the surrounding --  
15 the surrounding houses coming up in that area. We  
16 have subdivisions closer and closer to the plant.  
17 And there is a subdivision right there off of 44  
18 and one right there off of 22.

19 Q. About how far would you say they are as  
20 the crow flies?

21 A. In the air, I would say two miles, a  
22 mile-and-a-half in the air.

23 Q. Okay.

24 A. It might be closer than that in the air.  
25 I mean, you know, air is -- an air model, it is



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1 closer.

2 Q. And then you got people that work at  
3 DuPont, right?

4 A. Yeah.

5 Q. I mean, y'all are people, too, huh?

6 A. Yeah. You know, I mean, everyone on our  
7 plant, I mean, they know to go upwind, you know.

8 Q. You know to go upwind?

9 A. Oh, yeah. That is common, you know. But  
10 a lot of people don't. And that is people I be  
11 concerned more or less about. A lot of people  
12 don't know what SO2 and SO3 is, so...

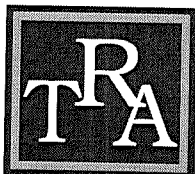
13 Q. Do you know or did you come to understand  
14 that Leo Scott encountered some gas mist at  
15 DuPont?

16 A. Yeah. Yeah.

17 Q. Do you know of anybody else who  
18 encountered any gas mist at the site?

19 A. I can't recall. I mean, I heard a truck  
20 driver got some, but I don't know who the truck  
21 driver was. Like I say, I wasn't on the site.  
22 And Leo, it was at night. They got things that  
23 happen at night.

24 Q. And when I say "encounter," I mean they  
25 physically know that they were in it.



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1 A. Uh-huh.

2 Q. Okay. And do you know about how long ago  
3 the truck driver incident occurred?

4 A. Let's just say about eight months or so.

5 Q. Do you remember who was involved with  
6 that truck driver?

7 A. No.

8 Q. Or who knew it firsthand I guess?

9 A. I wasn't on the plant. It happened in  
10 the night.

11 Q. Okay. The gas is easier to see at night,  
12 right?

13 A. Yeah.

14 Q. So there tends to be more reporting at  
15 night?

16 A. Yeah. You can see it at night and plus  
17 in the daytime you have more people on-site and  
18 they see it and they correct it, you know. At  
19 night you don't have that personnel going to be  
20 there.

21 Q. Okay. Do you know if there is any record  
22 at DuPont that could say for any given day in the  
23 last two years there has not been a leak from one  
24 of the contraptions that is set up at the site?  
25 Is there any way for them to say on any day there



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1 was not a leak from the contraptions?

2 A. No. No.

3 Q. Okay.

4 A. There wasn't a leak?

5 Q. Yeah.

6 A. Uh-uh.

7 Q. Have you ever known of management at  
8 DuPont to ask to be taken to see a leak, like Tom  
9 Miller, if somebody said I think we have a visible  
10 leak, go over to the SIP, does he ever say let me  
11 go see so he can assess it?

12 A. No.

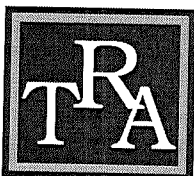
13 Q. Okay.

14 A. Now, Gene have, I must say. But Tom, no.

15 Q. Okay. Have there been times where Tom  
16 could have gone and seen if he wanted to and he  
17 had chose not to that you know of?

18 A. Not while -- I mean, I don't know. Not  
19 while I was there. Now, what he would do lately,  
20 he will go walk around one day when I come in and  
21 I tell him a leak or something and he will go walk  
22 out there and look at it, but Gene would be the  
23 one to start miligating (ph).

24 Q. Okay. I want to show -- as part of your  
25 job before I show you this document, would you see



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1 the logbook that the operators keep? Like on the  
2 nightshift, would you ever see that log?

3 A. (Nods head affirmatively.)

4 Q. I'll show what you we'll mark as Exhibit  
5 5 and it was also Exhibit D to the Complaint.

6 (Whereupon, the document referred to is  
7 marked as Exhibit No. 5 for identification.)

8 BY MS. BARNEY:

9 Q. And at the top, it says February 1,  
10 Wednesday and then there is a handwritten log  
11 report. Does that look like an operator's log at  
12 DuPont?

13 A. Uh-huh.

14 Q. And where is this book kept?

15 A. In the control room.

16 Q. Would the one that's in the control room  
17 now go back to 2012 or does it?

18 A. No. It is yearly.

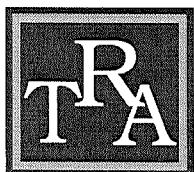
19 Q. All right. If you would just take a look  
20 at that.

21 A. (Complies with request.)

22 Q. This is dated February 1, 2012, right?

23 A. (No response.)

24 Q. This is a log report which -- would that  
25 have been written on the nightshift?



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1 A. Yeah.

2 Q. And it is describing, you know, Tom  
3 coming in and pulling Jeff Simoneaux to the shop,  
4 telling him if he sends another e-mail to him or  
5 Liz regarding leaks, he will be in big trouble and  
6 he said in quotes, "You want to play that game,  
7 let's play and see who lasts the longest."

8 Did you learn of this event while  
9 you were working at DuPont in 2012?

10 A. Uh-huh. I read this.

11 Q. And do you have any reason to dispute the  
12 accuracy of this?

13 A. Yeah, I would.

14 Q. You dispute it?

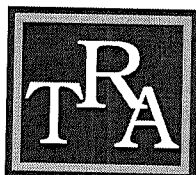
15 A. Yeah. I don't think he should have did  
16 that. I don't think Tom should have did that.  
17 Nothing wrong with cutting the rates.

18 Q. Okay.

19 A. Operator have more experience than he  
20 got. He could have looked at it and ask the man  
21 what you think we need to do.

22 Q. Okay.

23 A. I mean, I think he did the right thing by  
24 cutting rates, try to cut rates. I told you about  
25 that, when you get a bad leak, you cut the rates,



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1 reduce the volume of gas, and if you have to, shut  
2 it down.

3 Q. So when I asked you if you saw any -- you  
4 disputed the accuracy of this, you mean you  
5 dispute the way that Tom Miller responded to the  
6 situation?

7 A. Yes. Yes, I do.

8 Q. In the past when you've worked at DuPont  
9 and had a situation that you thought posed, you  
10 know, risk or harm to the environment or people,  
11 did you shut down the plant?

12 A. Yeah.

13 Q. And there were times where you cut back  
14 the rate of the plant so that the leaks would go  
15 down?

16 A. Right. Yep. Yes.

17 Q. In this instance, Elizabeth Cromwell  
18 agreed with Jeff that the rates be cut back, but  
19 then the plant manager overrode her and got upset?

20 A. Well, she understood the process more  
21 than he did, you know. This -- from what he told  
22 Jeff, he didn't understand the process.

23 Q. Or he didn't care?

24 A. He didn't care. One or the other, you  
25 know.



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1 Now he might run me off.

2 Q. Well --

3 A. I'll just go work somewhere else.

4 Q. In the past -- well, let me strike that.

5 Would anybody feel like it was  
6 within their power or authority right now to shut  
7 down the plant if they saw a significant gas cloud  
8 coming out of the SIP or the HIP or the converter?

9 A. I can't speak for everybody, but I  
10 wouldn't hesitate at all.

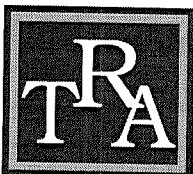
11 Q. You would shut it down?

12 A. I would shut it down. I would hit the  
13 emergency button.

14 Q. Do you think you would get in trouble for  
15 that?

16 A. They might try but they can't put me in  
17 trouble. Because you got to look at -- you weigh  
18 your options. You could have more damage to them  
19 by not shutting down and then they are thinking --  
20 because if it is bad enough, yeah, I would shut it  
21 down.

22 Q. Okay. Do employees at DuPont, just kind  
23 of working in the area of these leaks, do they  
24 wear respirators and PPE that would protect them  
25 against the gas?



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1 A. Unless they are working on the leak, they  
2 are not working right in the immediate area and  
3 the surrounding area. Now, if they are working on  
4 the leak, yes, they have their respirators.

5 Q. Okay.

6 A. But the surrounding area, no, they don't.

7 Q. Do you think whether or not Leo Scott --  
8 whether it was frowned upon by management when Leo  
9 Scott wore a respirator in the area, process area?

10 A. Yeah.

11 Q. It was frowned on?

12 A. Yeah. It was frowned on.

13 Q. I'll show you what we've marked as  
14 Exhibit 6 and it was Exhibit H to the Complaint.

15 (Whereupon, the document referred to is  
16 marked as Exhibit No. 6 for identification.)

17 BY MS. BARNEY:

18 Q. And ask you to take a look at that. It  
19 is entitled "Burnside Initial Incident Report" up  
20 at the top. And that describes a time where Jeff  
21 Simoneaux saw a leak crossing the fence line, and  
22 when he was out there looking at it, he got his  
23 truck stuck in the mud. That was back, I think,  
24 March 19, 2012.

25 A. Uh-huh.



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1 Q. You see that?

2 You recall there being an incident  
3 of Jeff getting his truck stuck in the mud?

4 A. Yeah.

5 Q. And do you recall that he got written up  
6 for getting his truck stuck in the mud?

7 A. He did? I didn't know he got written up.  
8 I heard about he got the truck stuck in the mud.

9 Q. Do you recall management kind of focusing  
10 on the truck stuck in the mud instead of the mist  
11 crossing the fence?

12 A. Yes. They were all talking about the  
13 truck stuck in the mud, you know.

14 Q. So they sort of shifted focus, in your  
15 opinion, to the --

16 A. Yeah, instead of the leak.

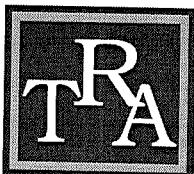
17 Q. -- the mud?

18 A. Yeah, instead of the leak. It was a  
19 truck stuck in the mud. We got all kind of  
20 backhoes out there to pull the truck out, you  
21 know.

22 Q. It was never a big deal before that --

23 A. No.

24 Q. -- for people to get a truck stuck in the  
25 mud?



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1 A. No. No.

2 Q. So you would be surprised to hear that  
3 somebody got written up for having a truck stuck  
4 in the mud?

5 A. Yeah. I would be surprised. I didn't  
6 know you got written up for that.

7 Q. If Jeff Simoneaux contends that he was  
8 harassed and had adverse employment consequences  
9 because he was aggressively reporting leaks, would  
10 you have any reason to dispute that?

11 A. No, I wouldn't.

12 Q. Okay. Were there some of these -- were  
13 there some hoses being used out at the site around  
14 the converter longer than two years ago; do you  
15 know?

16 A. They been there so long, probably so.

17 Q. Okay.

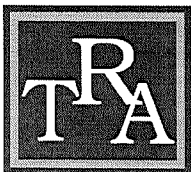
18 A. Because that HIP and SIP been leaking for  
19 a while.

20 Q. Okay.

21 A. And then we had that -- we had that --  
22 coming off the converter third pass, we had that  
23 leak. Yeah.

24 Q. Okay.

25 A. Right.



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1 Q. So in the last two years, it's just  
2 gotten --

3 A. Worse.

4 Q. -- worse?

5 A. It has.

6 Q. And they have been sort of unfixable? Is  
7 that a fair way to describe it without shutting  
8 down the plant?

9 A. Right.

10 Q. Okay.

11 A. We did a few cold shutdowns and patched  
12 them up for a little while and they work a while  
13 and they start leaking again off the converter.

14 Q. Is that in the last two years or is that  
15 before?

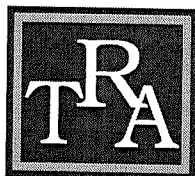
16 A. Before.

17 Q. You haven't done a cold shutdown in the  
18 last two years, right?

19 A. No. Haven't.

20 Q. Do you know whether or not Gene Clemmons,  
21 the maintenance supervisor, gets a daily report on  
22 the computer about what happened the night before,  
23 like if there were any leaks?

24 A. It would be in the red book. Some of  
25 them might write in the log in the computer. But



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1 it would be in the red book, in the logbook.

2 Q. And does Elizabeth Cromwell look at the  
3 red book in the morning; do you know? Is that  
4 what she was supposed to do?

5 A. Yeah. Sometimes she'll do it.

6 Q. Okay.

7 A. Sometimes the log is written up in the --  
8 well, we don't have Lotus notes anymore, so...

9 Q. You don't have -- you used to write the  
10 leaks in there or somebody could write the  
11 leaks --

12 A. Yeah, write out. The same thing you  
13 write in the red book, you put it on the computer.

14 Q. Do y'all have a replacement for the Lotus  
15 notes system?

16 A. We got Outlook right now.

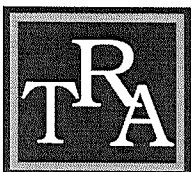
17 Q. I'm sorry?

18 A. Outlook.

19 Q. Okay. So if you see a visible leak at  
20 DuPont, is it your understanding that you are  
21 supposed to verbally report that to either the  
22 maintenance supervisor or the operation  
23 supervisor?

24 A. Yeah.

25 Q. And do you believe that you are supposed



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1 to put that in writing or just do it verbally?

2 A. You can do it verbally, put it in  
3 writing. It is your choice.

4 Q. Do you know whether or not Tom Miller has  
5 any environmental experience in prior jobs?

6 A. I don't know.

7 Q. Okay. Who at KBR do you think would be  
8 the most knowledgeable about the repairs to the  
9 contraptions?

10 A. Mark Macha. He is superintendent.

11 Q. And is he out there hands-on a good bit?

12 A. Yeah. He is out there and he direct them  
13 in a way where they need to go and what they need  
14 to do.

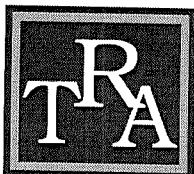
15 Q. What about Lonnie Blanchard?

16 A. Now, he is hands-on. Lonnie Blanchard,  
17 that is the supervisor. He is out there with  
18 them, also.

19 Q. The SO3 gas leaks that you were talking  
20 about that go up in the air, those -- do you know  
21 what happens to those? Do they actually fall out  
22 of the air at some point when they mix with enough  
23 moisture?

24 A. Yeah, it does.

25 Q. So the acid is still there; it just drops



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1 out?

2 A. What it is is that the SO3 absorbs  
3 moisture out of the air and they get heavy and  
4 goes down.

5 Q. Okay. And do they call that acid rain or  
6 --

7 A. Yeah. Acid mist, acid rain, you know.

8 Q. Mr. Bell, I think when we took your  
9 deposition last time, you kind of commented that  
10 you thought that things could be running better  
11 out there in terms of the leaks. The deposition  
12 wasn't really about the leaks, but I think it came  
13 up and you said that you thought DuPont could be  
14 doing better. Do you feel like things have gotten  
15 worse since a year ago?

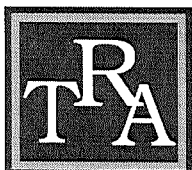
16 A. With the leaks?

17 Q. Yes.

18 A. Yes. Yes.

19 Q. Okay. And you feel like they still  
20 haven't shut it down and done what they need to do  
21 to fix it, right?

22 A. Right. You just don't want to take a  
23 cold shutdown and get some welders and weld the  
24 leak up to fix it the best that they can. They  
25 are doing the best that they can with a hot



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1 shutdown.

2 Q. Okay.

3 A. That's it. And that's what's going on.

4 Q. Okay. Do you know whether people are  
5 still trying to report leaks -- if they decide to  
6 report them, are they trying to report them to  
7 Elizabeth Cromwell by phone; do you know?

8 A. I don't know.

9 Q. Okay. Do you have any understanding of  
10 whether it is hard to reach her by phone or used  
11 to be hard to reach her by phone?

12 A. Yeah. Well, a couple of times I call and  
13 they have no answer, but she calls me back, you  
14 know.

15 Q. Okay. Mr. Bell, were you present at the  
16 site when there was a large acid spill on the  
17 ground that went out to the ditches?

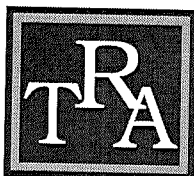
18 A. I've been on-site. They had a lot of  
19 acid leaks.

20 Q. In the last two or three years?

21 A. Yeah. Yeah.

22 Q. And do you know how that was dealt with?  
23 Were any environmental authorities brought out to  
24 --

25 A. Uh-uh. What they do is dam up the



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1 ditches, soda ash, and call out the vacuum trucks  
2 and vacuum it up and decon and put it in wash bag  
3 and they do a report.

4 Q. Okay. So even when there was a spill out  
5 to the ditches, they didn't call DEQ or EPA to  
6 come check it out?

7 A. Oh, no, I haven't seen that happen.

8 Q. Okay. As long as you've been out at  
9 DuPont, you've never seen that happen where they  
10 call DEQ or EPA to come out?

11 A. No, I haven't.

12 Q. Are you aware since you've been at DuPont  
13 as to whether DuPont has paid any fines for any  
14 pollution or environmental contamination?

15 A. I think we had a fine for a 001 when that  
16 leak started in the 93 pump tank and we had a fine  
17 on that.

18 Q. And about how long ago was that?

19 A. About two years ago, two-and-a-half years  
20 ago.

21 Q. Okay. And how was that leak discovered  
22 by the authorities who issued the fine?

23 A. Kerry Long wrote the report. Kerry Long  
24 and Elizabeth Cromwell.

25 Q. Okay.



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1           A. And 001 is the final pH going to the  
2 river and they -- it is recorded and they got an  
3 excursion and they record it and I think they  
4 fined us. After all the paperwork was finished,  
5 they receive a citation.

6           Q. Okay. Do you know how much the fine was?

7           A. No.

8           Q. And who records the discharge to the  
9 river; do you know?

10          A. It is on DCS. It is on the computer. We  
11 monitor it 24/7.

12          Q. Y'all monitor it or the authorities  
13 monitor it?

14          A. No. We monitor it at the plant, but it  
15 is a history, you know.

16          Q. Okay.

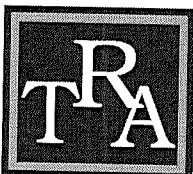
17          A. It is there.

18          Q. All right. Have you ever been involved  
19 in -- when these reports are prepared like the  
20 report you mentioned for the acid spill, were you  
21 involved in preparing that report?

22          A. No. No.

23          Q. Who prepares those?

24          A. Kerry Long. The environmentalist, the  
25 supervisor --



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1 Q. So whoever is in that position --

2 A. Right.

3 Q. And maybe the plant manager?

4 A. Yeah.

5 Q. But not the operators?

6 A. No.

7 Q. Okay. Normally, when you have some sort  
8 of issue like a gas leak or an acid spill, under  
9 the SHE committee protocol, would you normally  
10 have a meeting of everybody involved and see how  
11 you can solve the problem?

12 A. They do an investigation. They have an  
13 investigation and people that is involved be  
14 involved in that investigation. That's the  
15 normal.

16 Q. Okay. But that is not really how they  
17 are handling this leak -- the leak situation?

18 A. No.

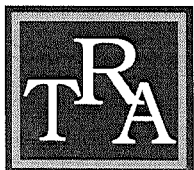
19 Q. Okay.

20 A. No. They are just handling the leaks  
21 with the vacuum hoses.

22 Q. Okay. Why don't we take a break. It  
23 looks like you could use a break.

24 A. Okay.

25 Q. I'll try to let you out of here as soon



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1 as I can.

2 (A recess was taken.)

3 MS. BARNEY:

4 For the record, we are back on.

5 I'm going to show Mr. Bell a video that is  
6 attached as Exhibit E to our Complaint and which  
7 I'll attach as Exhibit 7 to this deposition.

8 (Whereupon, the document referred to is  
9 marked as Exhibit No. 7 for identification.)

10 BY MS. BARNEY:

11 Q. And I would like you to just take a look  
12 at this video and tell me, if you can, kind of  
13 identify the area of the plant that is shown in  
14 the video.

15 A. Okay.

16 Q. And for the record, there is no audio  
17 being played here. Even though there may be some  
18 audio on the CD that is attached to the Complaint,  
19 this computer doesn't have audio so you won't be  
20 hearing anything.

21 A. (Watching video.)

22 Q. For the record, the video is dated on the  
23 screen, February 19, 2012 around 1:36 a.m.

24 Does this appear to be a video of  
25 the camera monitor; can you tell, at DuPont?



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1 A. It could be.

2 Q. Have you ever looked at leaks at night on  
3 the camera at DuPont?

4 A. Yeah.

5 Q. Okay.

6 A. That's the way it looks.

7 Q. Can you tell what equipment is shown in  
8 that video?

9 A. That look like the top of the converter.

10 Q. And there is a camera, if I can stop it,  
11 there's a camera --

12 A. Camera 13.

13 Q. Camera 13?

14 A. Monitor 6. Uh-huh. That is a stack  
15 camera. That is the one you can move around --

16 Q. You can turn it?

17 A. Uh-huh.

18 Q. And so during this video, it seems to be  
19 pointing towards the converter?

20 A. Uh-huh.

21 Q. And do you see what appears to be a gas  
22 leak coming out of that equipment?

23 A. Oh, yeah.

24 Q. Okay.

25 A. That is your vapors.



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1 Q. So the movement that looks sort of like  
2 steam --

3 A. Uh-huh.

4 Q. -- is a gas leak, as far as you can tell?

5 A. Yeah.

6 Q. Okay. And that black --

7 A. That is the hose.

8 Q. -- thing, is that one of the hoses?

9 A. Yeah. That is the hose.

10 Q. Contraptions?

11 Okay. The Camera 13 is still at  
12 DuPont?

13 A. Yes. Yeah.

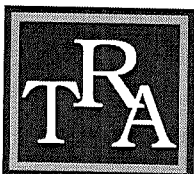
14 Q. Do you know whether they've at some point  
15 in the not too distant past they installed a  
16 camera near the converter or a camera that sort of  
17 makes it harder to see leaks -- I'm sorry, lights  
18 near the converter that make it harder to see gas  
19 leaks on the camera?

20 A. No.

21 Q. You don't know if they installed any  
22 lights over there?

23 A. No.

24 Q. Because you are really there during the  
25 day?



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1           A. Yeah. I get there at five in the  
2 morning.

3           Q. All right. But as far as you know, at  
4 any time DuPont or whoever is working there could  
5 aim Camera 13 at the converter --

6           A. Yeah.

7           Q. -- if they wanted to and they could just  
8 record how the leaks are doing 24/7, right?

9           A. Yeah.

10          Q. And do you know whether anybody at DuPont  
11 has decided to do that or done that?

12          A. No, I haven't.

13          Q. Okay. So as far as you know, there is no  
14 recordings that are being kept with a camera  
15 directed at all of the leaking equipment to  
16 capture all of the leaks?

17          A. No.

18          Q. The truck driver you mentioned earlier  
19 that may have been exposed to some gas at DuPont  
20 from these leaks, do you know whether he had to  
21 seek any medical treatment?

22          A. No. I just heard that one had gotten  
23 gassed. You know, I don't know how it happened or  
24 what.

25          Q. Or what happened after that?



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1 A. Yeah. What happened.

2 Q. Okay. Do you know what truck company --  
3 or what company he worked for?

4 A. No.

5 Q. Do you know a KBR employee by the name of  
6 Robert Cayette?

7 A. Yeah.

8 Q. Has he done a good bit of work on the  
9 leaks?

10 A. On the leaks, oh, yeah. Yeah.

11 Q. Do you know of any employees at KBR that  
12 have been diagnosed with cancer?

13 A. Robert, he had been diagnosed with  
14 cancer, prostate cancer, and he is back at work  
15 now.

16 Q. Do you know how long ago he was  
17 diagnosed?

18 A. About -- I guess about six or  
19 eight months ago.

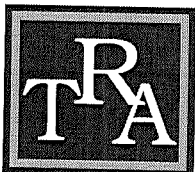
20 Q. Okay.

21 A. I don't know when he was first diagnosed,  
22 but he has been back to work about that long.

23 Q. Okay. Anybody else you can think of?

24 A. No.

25 MS. BARNEY:



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1                   Okay. I think that is all I have.  
2 I may have some follow-up if you have some.

3                   MS. WEINER:

4                   I just have a few questions.

5 EXAMINATION BY MS. WEINER:

6           Q. Mr. Bell, would you briefly describe your  
7 educational background. I know you have been  
8 working at the plant you said for about 37 years,  
9 but before that, what education did you have  
10 before you came to the plant?

11           A. I graduated from Southern University in  
12 college of business.

13           Q. Okay. So is your college degree a BA,  
14 Bachelor of Arts?

15           A. Bachelor's of Arts.

16           Q. Okay. In business?

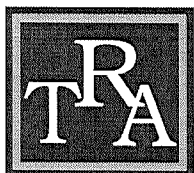
17           A. (Nods head affirmatively.)

18           Q. Did you have any environmental training  
19 or background as far as education before you came  
20 to work at the plant?

21           A. Oh, no, uh-uh.

22           Q. So what you've learned about  
23 environmental issues has been on-the-job training  
24 while you've been at DuPont?

25           A. Correct.



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1 Q. You are not an expert in regulatory  
2 matters or toxicology issues; is that right?

3 A. Right.

4 Q. Okay. With respect to the testimony that  
5 you gave about whether something can cause cancer,  
6 any specific chemicals, would you defer to a  
7 toxicologist on those issues as to what levels of  
8 exposure might be susceptible to causing cancer?

9 A. Yeah. Consult someone. MSDS.

10 Q. Because you don't feel like you have the  
11 training or background just sitting here to say  
12 whether or not a specific dose of a chemical can  
13 cause cancer?

14 A. Right.

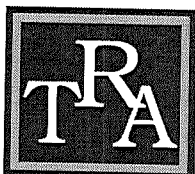
15 Q. In advance of this deposition, when was  
16 the last time that you talked to Jeff Simoneaux  
17 directly?

18 A. Last deposition. I haven't seen him.

19 Q. You gave a deposition in his other case  
20 that he has and that was about summer of -- over a  
21 year, it has been over a year now.

22 A. Yeah.

23 Q. So you haven't had any conversations by  
24 telephone or in person with Jeff Simoneaux since  
25 then?



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1           A. Did I talk with you? I think when he  
2 first got a job, I talked to him.

3           Q. When he first got his job at Shell?

4           A. Uh-huh. Oh, yeah, at my mother's  
5 funeral. Right. Yeah.

6           Q. All right. So there has been a couple of  
7 occasions when you've talked to him?

8           A. Yeah. Right.

9           Q. When you talked to him in connection with  
10 getting his job at Shell, what was your discussion  
11 about?

12          A. I just told him congratulations.

13          Q. Had he already started the job at Shell  
14 at that point?

15          A. When he told me that.

16          Q. When you two talked, he was already  
17 working at Shell?

18          A. Uh-huh.

19          Q. Did you ask him if he liked it?

20          A. Did I ask you if you liked it? I told  
21 him congratulations, glad you got a job.

22          Q. Do you recall any specifics about your  
23 conversation with him?

24          A. That's about all we talked about, Shell.  
25 We talked about my friend over there, you know.



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1 That's all.

2 Q. All right. Is Shell considered a good  
3 job opportunity to have for the folks that work at  
4 DuPont? Is Shell viewed as a favorable job move?

5 A. Oh, yeah.

6 Q. So people that are working within DuPont  
7 Burnside specifically, would think it would be a  
8 good thing to go get a job at Shell?

9 A. To anybody. Not just DuPont. Shell is a  
10 good company.

11 Q. Right.

12 A. They -- benefits are real good.

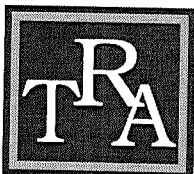
13 Q. So that was part of the reason that you  
14 were calling and congratulating him, right?

15 A. That he had the job, uh-huh.

16 Q. Okay. You were asked some questions  
17 about what we marked as Exhibit 2 to this  
18 deposition. Do you know -- do you have a  
19 recollection, as you sit here today, that you,  
20 personally, received this group of documents  
21 before in connection with your employment at  
22 DuPont?

23 A. Yeah. I think at TLM, I have take that  
24 before.

25 Q. So you recall this is something that you



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1 actually saw and you were actually trained on?

2 A. Uh-huh.

3 Q. Okay. The training that you did on this,  
4 would you have done that with Jeff Simoneaux?  
5 Would he have been sitting in the training with  
6 you at the same time?

7 A. No. We do it individually.

8 Q. So it is individual training?

9 A. Yeah.

10 Q. Do you know whether Jeff specifically did  
11 training on this module that is Exhibit 2?

12 A. I don't know for sure, but we all take  
13 it.

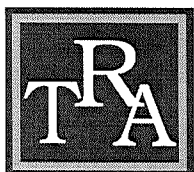
14 Q. As far as you know, you think he would  
15 have, but you can't say for certain whether he  
16 actually did?

17 A. Right.

18 Q. With respect to the leaks that Ms. Barney  
19 asked you several questions about, do you work  
20 around in the area where those leaks are taking  
21 place?

22 A. Yeah. I work around the boilers, yeah.  
23 I don't stay over there, but I make my rounds over  
24 there all the time.

25 Q. Right. So you will have to be in the



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1 area from time to time in connection with your  
2 work?

3 A. Right.

4 Q. All right. And in the last two years,  
5 has there ever been a time when you were working  
6 in that area and there hasn't been a leak?

7 A. No, I haven't.

8 Q. So as far as you can recall, there has  
9 always been a leak when you are working over  
10 there?

11 A. Yeah.

12 Q. Have you thought in light of that  
13 situation that it is necessary for you to wear a  
14 respirator when you do your work there?

15 A. No. Because if it leaks bad enough, I am  
16 not going over there.

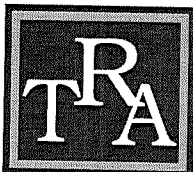
17 Q. All right. So you feel safe doing your  
18 work without a respirator even though you know the  
19 leak is going on?

20 A. Yeah, because I can see it.

21 Q. You can see it and can you smell it if  
22 you're being exposed to it?

23 A. Right. Right.

24 Q. So where you are doing your work, you've  
25 positioned yourself where you feel like it is safe



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1 to work and you are not smelling anything; is that  
2 true?

3 A. That is from experience.

4 Q. Okay. Right. So you know how to work  
5 around it safely?

6 A. Yeah. Right.

7 Q. You were asked some questions about Leo  
8 Scott wearing a respirator when he did his work.  
9 Would he have been able to do the same you've done  
10 to be able to work safely?

11 A. Uh-uh.

12 Q. Why not?

13 A. Because he is not experienced as me. I  
14 mean, what I have to do over there, I don't have  
15 to go over there. What he have to do, he have to  
16 go back there. I can delay my work.

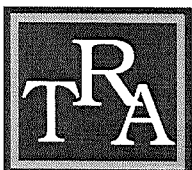
17 Q. So other people that are doing Leo's same  
18 work, same type of work that he does, do they wear  
19 respirators?

20 A. On the railcars, yeah. Not all the time.  
21 It all depends on the car.

22 Q. But the railcars are a different work  
23 area than where the leaks are; is that right?

24 A. Uh-huh.

25 Q. Will you say yes.



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1 A. Yes.

2 Q. So working around the railcars with the  
3 respirator is a totally different workplace as far  
4 as activities that are going on than the work  
5 around the leak issues, right?

6 A. Right. And it all depends on where the  
7 wind is blowing.

8 Q. So there are co-workers who have been on  
9 Leo's shift who are doing the same kind of work  
10 that he is doing that haven't worn respirators; is  
11 that right?

12 A. Right.

13 Q. And they have been able to work safely  
14 around it without wearing respirators?

15 MS. BARNEY:

16 Objection. Lack of foundation.

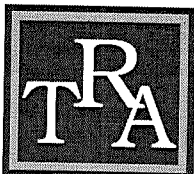
17 BY MS. WEINER:

18 Q. Is that right as far as you know?

19 A. Yeah, that's right. But they wasn't  
20 gassed out. Leo was gassed out because I asked  
21 Leo myself why he was wearing that respirator and  
22 he told me he was gassed out bad, man.

23 Q. All right. Were you there personally to  
24 see him when he got the gas?

25 A. No.



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1 Q. All right. So all you know is what he  
2 told you about it?

3 A. Right.

4 Q. Okay. Do you feel like your safety while  
5 you are working out at the plant has been in  
6 danger by the leaks that are out there?

7 A. No. Because I'm not out there at night.

8 Q. With respect to the reporting to the  
9 regulatory agencies, as an operator, that is not  
10 part of your job responsibilities to be involved  
11 with the interactions with the regulators; is that  
12 right?

13 A. No. You just call your supervisor.

14 Q. Okay. So you don't directly call or  
15 contact DEQ?

16 A. No.

17 Q. Or EPA?

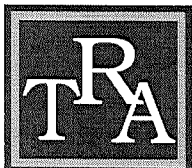
18 A. No.

19 Q. In connection with the leaks at the heat  
20 exchangers or the converter, have you gone to your  
21 supervisor and reported those?

22 A. Right.

23 Q. Have you ever done a written report of  
24 those?

25 A. No.



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1 Q. So all your reporting has been verbal?

2 A. Right.

3 Q. Who has that verbal reporting been to?

4 A. I just reported one to Gene after I found  
5 one and I reported it to him.

6 Q. Have there been any others that you've  
7 reported?

8 A. Uh-uh.

9 Q. No?

10 A. No.

11 Q. All right. So that one incident that you  
12 talked about that was on a Friday when you called  
13 Gene and he got the DuPont maintenance people to  
14 go work on it, that was the only one time that you  
15 ever reported a leak?

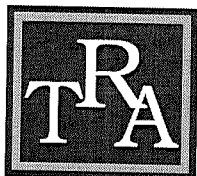
16 A. Right.

17 Q. But you said that every day that you are  
18 out there, you see leaks so is the reason --

19 A. Wait a minute. Wait a minute. It is the  
20 extent of the leak.

21 Q. Okay. And that is what I wanted to ask  
22 you about.

23 A. Right. I mean, you see a little small  
24 leak, I mean, you can tell them. But, I mean, if  
25 it is bad, you go get them and tell them we need



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1 to fix this.

2 Q. All right. So do you kind of have a  
3 sense of what size leak you need to go talk to  
4 them about?

5 A. Oh, yeah.

6 Q. How do you know that?

7 A. By looking at it and how far it travels.

8 Q. Is that something everybody has been  
9 trained on and they know that of what levels you  
10 got to report --

11 A. I can't speak for everybody.

12 Q. Okay. But you know?

13 A. Yeah.

14 Q. Okay. And you know that from working at  
15 the plant?

16 A. Right.

17 Q. You mentioned that there is no Draeger  
18 tubes or monitors out where the leaks are  
19 happening. I take it you don't have any idea how  
20 much volume is released from these leaks, do you?

21 A. No.

22 Q. There is no way --

23 A. Just visual.

24 Q. All right.

25 A. That's all you have.



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1 Q. No way for you to know?

2 A. Uh-uh.

3 Q. Did you ever see -- actually see the  
4 calculations that Kerry Long did to determine the  
5 volume?

6 A. No.

7 Q. Did you ever talk to him about those?

8 A. No.

9 Q. You mentioned in connection with some of  
10 your answers to Ms. Barney's questions that you  
11 can't measure in the process what is being lost.  
12 Have you talked to anybody about mass balance  
13 calculations that might be done to determine what  
14 components are lost out of the process?

15 A. No.

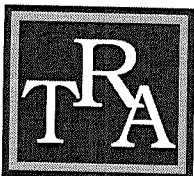
16 Q. Are you aware that mass balance  
17 calculations can be done?

18 A. Yeah. Yeah. Yeah.

19 Q. You were asked some questions about  
20 fines. As far as you know, relative to the leaks  
21 at the exchangers and the converters, there has  
22 not been notice of violation issued by any  
23 regulatory agency, has there?

24 A. Not to my knowledge.

25 Q. And with respect to fines, there haven't



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1     been any fines levied against DuPont relative to  
2     those leaks at the heat exchangers or the  
3     converter?

4             A.   No.

5             Q.   The fine that you mentioned was a totally  
6     different issue, right?

7             A.   Yeah.   That was 001.

8             Q.   The fine was levied because Kerry Long  
9     and Elizabeth Cromwell, both DuPont employees,  
10    reported the issue to the regulatory agency,  
11    right?

12            A.   Right.

13            Q.   That wasn't something the agency came and  
14    found on their own?

15            A.   No.

16            Q.   That was something DuPont reported?

17            A.   They reported.

18            Q.   Are you aware of whether the Louisiana  
19    DEQ has been out to the site to see those boxes  
20    with the hoses running to capture the fumes?

21                   MS. BARNEY:

22                         Object to the form.

23                   THE WITNESS:

24                         I don't know if DEQ or EPA or  
25    somebody came out one night.



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1 BY MS. WEINER:

2 Q. Some regulatory personnel?

3 A. Yeah. Right. Right.

4 Q. Do you know if they specifically saw, as  
5 Ms. Barney was referring to them, the  
6 contraptions?

7 A. No. I don't know. They talked with the  
8 operators. That is all I heard.

9 Q. How would you or anyone else at the  
10 DuPont plant refer to those type of contraptions?  
11 What do you call them?

12 A. Vacuum hoses.

13 Q. Vacuum hoses and boxes?

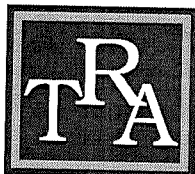
14 A. Uh-huh.

15 Q. You mentioned that with respect to those  
16 vacuum hoses and the boxes, that Kerry Long had  
17 questions and was worried about that process of  
18 capturing the fumes. How do you know he was  
19 worried?

20 A. Because he asked a lot of questions about  
21 it.

22 Q. Do you recall what specific questions he  
23 was asking?

24 A. Yeah. He asked how we are doing this and  
25 how we are doing that. He come ask me.



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1 Q. Okay. Did he express any -- did he say  
2 anything to you that I don't think this is going  
3 to work --

4 A. No.

5 Q. -- I don't think this is the right way  
6 for this to be done?

7 A. No.

8 Q. So you just inferred that he was worried  
9 because he was asking some questions about the  
10 process?

11 A. Right.

12 Q. Were the leaks at the converter and the  
13 heat exchangers going on when Ann Lafarrera was  
14 there?

15 A. No.

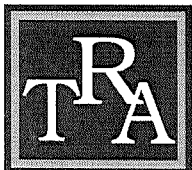
16 Q. So if you gave testimony about her having  
17 concerns --

18 A. I don't --

19 Q. -- it wasn't about those leaks?

20 A. No. I don't think she was. I can't -- I  
21 don't know for sure. I got to see what year she  
22 left. I don't think she was there. This didn't  
23 happen until after 2009.

24 Q. All right. Any testimony that you would  
25 have provided about her having concerns from an



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1 environmental standpoint were not relative to the  
2 leaks at the converter or the heat exchangers.

3 A. No.

4 Q. Is that true?

5 A. Right. She wouldn't -- she wouldn't --

6 Q. She wouldn't have been involved in those?

7 A. She wouldn't have been involved.

8 Q. Do you know if part of the job of the  
9 control room operators is to watch the cameras for  
10 leaks? Is that part of what they are supposed to  
11 be doing?

12 A. That is part. You scan and then you have  
13 your nightly rounds outside of the operator.

14 Q. So in addition to the control room  
15 operators having access to the cameras to be able  
16 to scan those and watch them, the night operators  
17 are also supposed to be making rounds to look for  
18 operational issues like leaks.

19 A. Uh-huh.

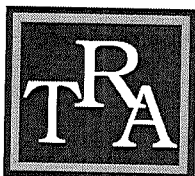
20 Q. Is that true?

21 A. Uh-huh.

22 Q. Yes?

23 A. They have a check sheet. Yes. They have  
24 a check sheet.

25 Q. Okay.



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1 A. They have to look on the check sheet and  
2 see if leaks are on the check sheet. It may not  
3 be on there.

4 Q. As far as you know, are people --  
5 employees active about reporting the leaks that  
6 they see?

7 A. Yes. As far as I know, yes.

8 Q. Have you ever seen anyone retaliated  
9 against or treated badly because they reported the  
10 leaks?

11 MS. BARNEY:

12 Objection. Asked and answered.

13 THE WITNESS:

14 Yeah.

15 BY MS. WEINER:

16 Q. Who is that?

17 A. Jeff.

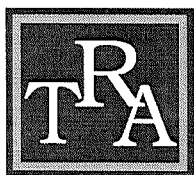
18 Q. Anybody besides Jeff?

19 A. No.

20 Q. But other people have reported leaks  
21 besides him?

22 A. Yeah. Yeah. Reported.

23 Q. Now, I think you testified you don't know  
24 the reportable amount for regulatory purposes for  
25 a release of SO<sub>2</sub>; is that right?



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1 A. Right.

2 Q. So you don't know what amount would have  
3 to be released in order for it to be a required  
4 report to a regulatory agency?

5 A. Right.

6 Q. Is the same true for SO3; you don't know  
7 the reportable amount?

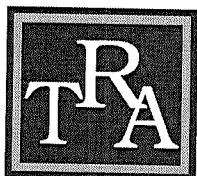
8 A. No, I don't.

9 Q. Tell me -- I want to make sure I have the  
10 full background on the conversation that Tom  
11 Miller had with the folks at the plant when he  
12 mentioned disgruntled employees and you said he  
13 could have been referring to Jeff Simoneaux or  
14 possibly Nathaniel Rapp. Tell me in your words  
15 how you remember that conversation. What did Tom  
16 say?

17 A. Well, he came in the control room and I  
18 guess he had got the call from the DEQ and DEQ had  
19 been out there that night or EPA or somebody like  
20 that --

21 Q. No. Let me stop you there. Were you  
22 there personally in the control room when Tom came  
23 in or is this something you heard about from the  
24 people who were in there?

25 A. No. I was in there.



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1 Q. Okay.

2 A. I was in there. I don't know exactly how  
3 he mentioned it, but he just -- you know, some  
4 disgruntled employees called the authorities. And  
5 that's about it. And then he went to the 7:00  
6 meeting and he mentioned it in the 7:00 meeting  
7 about shutting down and sending everybody home.

8 Q. All right. And tell me what he meant  
9 by --

10 A. In detail of what he said, I can't -- I  
11 can't describe that.

12 Q. But the gist that you remember was we can  
13 shut it down, meaning what, shut the plant down?

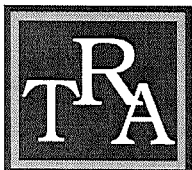
14 A. Shut the plant down and send everybody  
15 home.

16 Q. And what would be the consequences if  
17 everyone was sent home, meaning nobody would have  
18 a job?

19 A. Nobody would work that day.

20 Q. So it was just that day; he wasn't  
21 talking about the plant as a whole being shut down  
22 forever or is that how you understood it?

23 A. I don't know what he meant. You know, I  
24 don't know if he's just saying shut it down and  
25 send everybody home.



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1 Q. All right. And what did he say about his  
2 job?

3 A. He said he is going to have his job.

4 Q. Regardless of what happened in the plant?

5 A. Yeah. Regardless of what happened. I  
6 think he might have been saying shutting it down  
7 and fix the leaks because we don't want to go  
8 cold. I don't know why, but we just don't want to  
9 go cold.

10 Q. He was saying "I don't know why"?

11 A. No. I'm saying that.

12 Q. Okay. The repairs that you talked about  
13 with -- on the heat exchangers and on the  
14 converter, you haven't been personally involved in  
15 doing those repairs, have you?

16 A. Oh, no.

17 Q. Right. Because you are an operator?

18 A. Yeah.

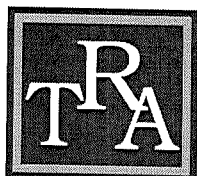
19 Q. And it is totally the maintenance people  
20 that do those kind of repairs?

21 A. Right. Right.

22 Q. So anything that you know about those  
23 repairs is what you heard somebody else tell you?

24 A. Or what I seen them do.

25 Q. Are you in the area when they are doing



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1 their repairs from time to time?

2 A. Yeah.

3 Q. Have you seen them actually do -- attach  
4 the hoses or put on the boxes?

5 A. Oh, yeah.

6 Q. Okay. The environmental audit that you  
7 talked about that DEQ came to do, were you there  
8 at the plant when they came?

9 A. No. They came that night.

10 Q. All right. So what you know about that,  
11 that environmental audit, is just what you heard  
12 from other people?

13 A. Right.

14 Q. Have you ever been working when DEQ came  
15 on-site for a visit for any reason?

16 A. They didn't come do an audit, DEQ or EPA.  
17 They come out and audit, you know, DEQ or EPA, our  
18 outfalls.

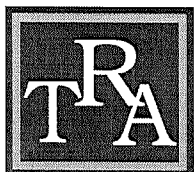
19 Q. And you are at the plant --

20 A. And I have the paperwork -- yeah. I have  
21 been there.

22 Q. All right.

23 A. When they come out.

24 Q. And when you say "I have the paperwork,"  
25 are you the one dealing with them when they come?



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1           A. Right. T.J. was with them a while and  
2 then he turn it over to me and I tell them what I  
3 do, keep up with the pHs.

4           Q. So tell me when EPA or DEQ comes on-site,  
5 how often is that that they'll come to monitor the  
6 outfall?

7           A. They come any time they wish. It is not  
8 a yearly thing. It's not a monthly thing. They  
9 just pop up sometime.

10          Q. Right. And that is kind of the purpose  
11 of a surprise visit; you don't know when they are  
12 coming, right?

13          A. Right.

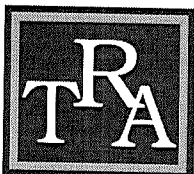
14          Q. And so when they come and you've met with  
15 them on those outfall issues, have they ever had  
16 problems with how DuPont was doing its operations?

17          A. No. I didn't -- I got a feedback from  
18 T.J. from what they said the other day.  
19 Everything was in order.

20          Q. How long have you been that contact  
21 person to handle those visits with respect to the  
22 outfall issues?

23          A. Since 2007.

24          Q. You were asked some questions about  
25 whether you feel comfortable shutting down the



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1 plant if there was a leak that was a big enough  
2 problem and you said you wouldn't have any problem  
3 doing that.

4 A. No, I wouldn't.

5 Q. Do KBR employees also have the ability to  
6 stop the plant just like you said you would?

7 A. No.

8 Q. What is the process that they would have  
9 to --

10 A. They would have to go through their  
11 supervisor or to their superintendent to come to  
12 DuPont.

13 Q. But there is a chain that they can follow  
14 --

15 A. Right.

16 Q. -- to come up with the same result that  
17 you could?

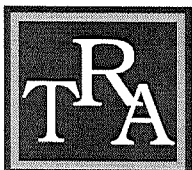
18 A. Yeah.

19 Q. The photographs that were attached as  
20 Exhibit 4 -- and this is a partial. You may have  
21 the more complete version in front of you. Have  
22 you ever seen those photographs before?

23 A. No, I never seen these photographs.

24 Q. Do you know who took them?

25 A. No.



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1 Q. Okay. With respect to the policy about  
2 taking photographs at the plant, has that always  
3 been the case within DuPont is that they don't  
4 want photographs taken of their equipment and  
5 their plant processes?

6 A. I just heard of it about two weeks, a  
7 week, about two weeks ago.

8 Q. And that was the first time in your  
9 37 years, though, that you've ever heard that they  
10 don't want photographs taken?

11 A. Uh-huh.

12 Q. You haven't previously been trained on  
13 the proprietary information policy that DuPont has  
14 corporately?

15 A. Uh-uh.

16 Q. No?

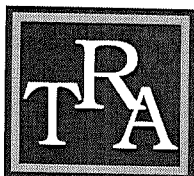
17 A. No.

18 Q. Exhibit 5 is this one page out of the  
19 logbook from February 2012. The handwriting that  
20 is in the bottom paragraph on that left-hand side,  
21 do you recognize that as Jeff Simoneaux's  
22 handwriting?

23 A. Down here?

24 Q. Yes.

25 A. Yeah. That look like his writing.



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1 Q. Okay. And do you also understand, in  
2 addition to recognizing his handwriting, that he  
3 is the one that made that entry? Did you have any  
4 knowledge of that before?

5 A. Yeah.

6 Q. Okay. Do you recognize any of the other  
7 handwriting? Do you know who else made the  
8 entries on this page?

9 A. Yeah. This handwriting at the top here  
10 is Ryan.

11 Q. The one with the B that is circled and  
12 the name?

13 A. Yeah.

14 Q. So the section that you believe that Jeff  
15 wrote down at the bottom --

16 A. Start with "Tom."

17 Q. Right. That starts "Tom came in and  
18 pulled Jeff into the shop," that is Jeff's version  
19 of the events since he wrote it; is it fair?

20 A. Yeah. And that right here, "sent e-mail  
21 message to Leo."

22 Q. Okay.

23 A. "KBR working on" -- signed Jeff.

24 Q. All right. You were asked some questions  
25 about whether EPA or DEQ has ever been called



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1 about the leaks from the heat exchangers or the  
2 converter. Since you are not the person  
3 responsible for dealing with those regulatory  
4 issues, is it possible that they have been called  
5 or contacted and you just wouldn't know about it?

6 A. Yeah.

7 MS. WEINER:

8 Thank you, Mr. Bell. I think  
9 that's all I have.

10 MS. BARNEY:

11 I just have a couple. I don't  
12 think it will take long.

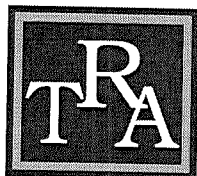
13 THE WITNESS:

14 Okay.

15 RE-EXAMINATION BY MS. BARNEY:

16 Q. You were asked about recording leaks and  
17 you mentioned that if you see a big leak, you make  
18 sure to go find somebody and that you might  
19 mention a small leak. Is part of that because the  
20 DuPont management knows they have little leaks and  
21 so you don't have to go run and tell them every  
22 time?

23 A. Well, you would go tell them, but, I  
24 mean, it is not an immediate, you know,  
25 mitigation.



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1 Q. Okay.

2 A. You tell them, look, we have a leak here,  
3 we need to give it some attention, but if it is  
4 leaking bad like the one that was leaking Friday  
5 morning when I came to work, it was immediate. I  
6 made the call and he --

7 Q. Okay. When you were talking about  
8 dealing with the DEQ and EPA on the outfall issue,  
9 I think there was one question in there that may  
10 have asked whether they found everything okay with  
11 operations and I just wanted to clarify that would  
12 be the operations that had to do with the outfall;  
13 is that right?

14 A. Right. Right.

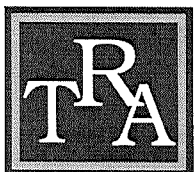
15 Q. Because you have never talked to them  
16 about the process area?

17 A. No. No.

18 Q. And I believe there were some questions  
19 about how the operators can look at the cameras  
20 and look for leaks at night. And I believe you  
21 testified that you didn't know what reportable  
22 quantities were for SO3 or SO2?

23 A. I don't.

24 Q. Has DuPont ever told the operators what  
25 the reportable quantities are and how they are



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1 supposed to measure those when they look in the  
2 camera?

3 A. No, they haven't.

4 Q. Have you -- how long have you known Jeff  
5 Simoneaux?

6 A. Since he got hired, about 26 years ago,  
7 23.

8 Q. Have you generally found in your dealings  
9 with him for him to be an honest person?

10 A. Yes.

11 MS. BARNEY:

12 I think that is all I have,  
13 Mr. Bell.

14 THE WITNESS:

15 Thank you.

16 MS. BARNEY:

17 Thank you very much.

18 (DEPOSITION CONCLUDED AT 4:43 P.M.)

19 \* \* \* \* \*



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WITNESS' CERTIFICATE

I, PERCY BELL, read or have had the foregoing  
testimony read to me and hereby certify that it is  
a true and correct transcription of my testimony,  
with the exception of any attached corrections or  
changes.

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Witness' Signature)

Signed with corrections as attached.

Signed with no corrections noted.



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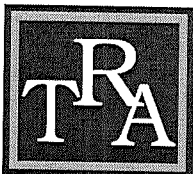
## 1 REPORTER'S CERTIFICATE

2  
3 I, SELINA P. ROUSSEL, Certified  
4 Court Reporter in and for The State of Louisiana,  
5 as the officer before whom this testimony was  
6 taken, do hereby certify that PERCY BELL, after  
7 having been first duly sworn by me upon authority  
8 of R.S. 37:2554, did testify as hereinbefore set  
9 forth in the foregoing 127 pages;

10 That the testimony was reported by  
11 me in stenotype reporting method, was prepared and  
12 transcribed by me or under my personal direction  
13 and supervision, and is a true and correct  
14 transcript, to the best of my ability and  
15 understanding;

16 That the transcript has been  
17 prepared in compliance with transcript format  
18 guidelines required by statute or by rules of the  
19 board, that I have acted in compliance with the  
20 prohibition on contractual relationships, as  
21 defined by Louisiana Code of Civil Procedure  
22 Article 1434 and in rules and advisory opinions of  
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24 That I am not related to counsel or  
25 to the parties herein, nor am I otherwise



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interested in the outcome of this matter.

DATED THIS 9TH DAY OF SEPTEMBER, 2013

*Selina Roussel*

SELINA P. ROUSSEL, CCR, RPR  
CERTIFIED COURT REPORTER



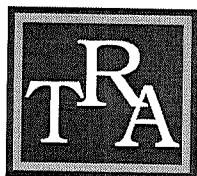
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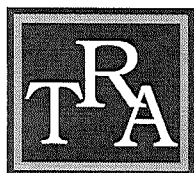
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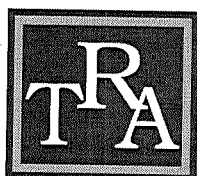
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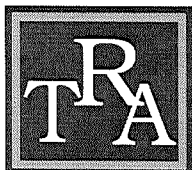
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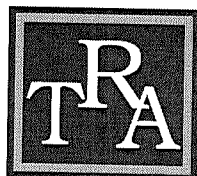
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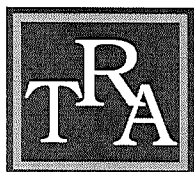
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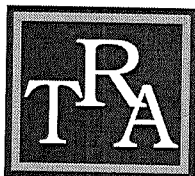
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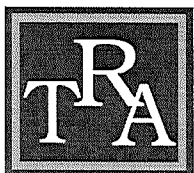
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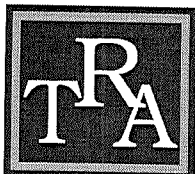
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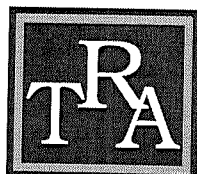
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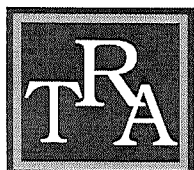
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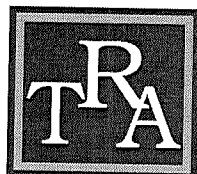
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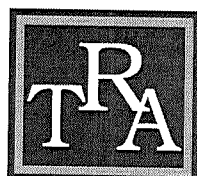
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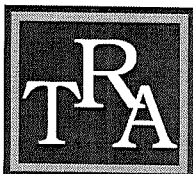
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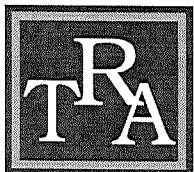
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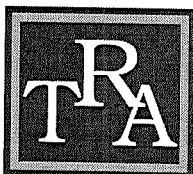
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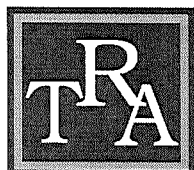
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